# Ethical Failure and its Operational Cost

A Monograph

by

Major Jeffrey A. La Plante

School of Advanced Military Studies

United States Army Command and General Staff College

Fort Leavenworth, Kansas

AY 2011-02

# REPORT DOCUMENTATION PAGE

*Form Approved
OMB No. 0704-0188*

Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing this collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to Department of Defense, Washington Headquarters Services, Directorate for Information Operations and Reports (0704-0188), 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. **PLEASE DO NOT RETURN YOUR FORM TO THE ABOVE ADDRESS.**

| 1. REPORT DATE *(DD-MM-YYYY)* 01-12-2011 | 2. REPORT TYPE Monograph | 3. DATES COVERED *(From - To)* JAN 2011 – DEC 2011 |
|---|---|---|

| 4. TITLE AND SUBTITLE | 5a. CONTRACT NUMBER |
|---|---|
| Ethical Failure and its Operational Cost | 5b. GRANT NUMBER |
| | 5c. PROGRAM ELEMENT NUMBER |
| 6. AUTHOR(S) | 5d. PROJECT NUMBER |
| MAJ Jeffrey A. La Plante | 5e. TASK NUMBER |
| | 5f. WORK UNIT NUMBER |

| 7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES) School of Advanced Military Studies 250 Gibbon Avenue Fort Leavenworth, KS 66027-2134 | 8. PERFORMING ORG REPORT NUMBER |
|---|---|

| 9. SPONSORING / MONITORING AGENCY NAME(S) AND ADDRESS(ES) Command and General Staff College 731 McClellan Avenue Fort Leavenworth, KS 66027-1350 | 10. SPONSOR/MONITOR'S ACRONYM(S) CGSC |
|---|---|
| | 11. SPONSOR/MONITOR'S REPORT NUMBER(S) |

**12. DISTRIBUTION / AVAILABILITY STATEMENT**

Approved for Public Release; Distribution is Unlimited

**13. SUPPLEMENTARY NOTES**

**14. ABSTRACT**

Ethical failures during the current era of persistent conflict have had significant operational costs. To minimize the effects of these operational costs, leaders must morally asses their forces and strive to implement programs to minimize future ethical failures while developing systems which promote learning from failures which occur. Fundamental development and implementation of ethics is crucial to minimize the risk of future ethical failures. While the artifacts of the Army Ethic fall under the purview of Strategic leaders, development of ethics within operational units and the follow-on implementation of those ethics is the purview of the operational commander. When ethical failures do occur, operational units must have the necessary systems in place to address those failures and promote learning throughout the unit. Failure to implement the necessary systems increases the risk of operational costs of future ethical failures.

**15. SUBJECT TERMS**

Ethical Failure, Ethics, Leadership

| 16. SECURITY CLASSIFICATION OF: | | | 17. LIMITATION OF ABSTRACT | 18. NUMBER OF PAGES | 19a. NAME OF RESPONSIBLE PERSON THOMAS C. GRAVES COL, U. S. ARMY |
|---|---|---|---|---|---|
| a. REPORT (U) | b. ABSTRACT (U) | c. THIS PAGE (U) | (U) | 62 pp. | 19b. PHONE NUMBER *(include area code)* 913-758-3302 |

Standard Form 298 (Rev. 8-98)
Prescribed by ANSI Std. Z39.18

# SCHOOL OF ADVANCED MILITARY STUDIES

## MONOGRAPH APPROVAL

Major Jeffrey A. La Plante

Title of Monograph: Ethical Failure and its Operational Cost.

Approved by:

_____ Monograph Director
Dan C. Fullerton, Ph.D.

_____ Second Reader
Robert D. Haycock, COL, IN

_____ Director,
Thomas C. Graves, COL, IN                     School of Advanced
                                                             Military Studies

_____ Director,
Robert F. Baumann, Ph.D.                     Graduate Degree
                                                             Programs

# Abstract

Ethical Failure and its Operational Cost by Major Jeffrey A. La Plante.


   Ethical failures during the current era of persistent conflict have had significant operational costs. To minimize the effects of these operational costs, leaders must morally asses their forces and strive to implement programs to minimize future ethical failures while developing systems which promote learning from failures which occur. Fundamental development and implementation of ethics is crucial to minimize the risk of future ethical failures. While the artifacts of the Army Ethic fall under the purview of Strategic leaders, development of ethics within operational units and the follow-on implementation of those ethics is the purview of the operational commander. When ethical failures do occur, operational units must have the necessary systems in place to address those failures and promote learning throughout the unit. Failure to implement the necessary systems increases the risk of operational costs of future ethical failures.

# Table of Contents

# Chapter 1: Introduction

"In the face of so many challenges, we have demonstrated great strengths such as the determination and adaptability of our junior leaders and their dedication to service shown through numerous deployments. Yet we have also struggled in some areas to maintain the highest standards of the Profession of Arms. As we have at other times in our history, we assess that it is time to refresh and renew our understanding of our profession."[1]

- Profession of Arms White Paper

Ethics are a keystone to Operational Art and essential in Mission Command. Leaders who tolerate ethical failures at lower levels in order to attain better results reduce the accepted military ethical standard and cause degradation in concurrent and future operations. Leaders create a morally ambiguous atmosphere when that leader focuses solely on the results of an operation without concern on how the operation is accomplished which can risk the legitimacy of the operation. The premier military theorist, Carl von Clausewitz's trinity emphasizes the importance of civil support to military forces in the development of war. Moral ambiguity erodes the validity of the operation in the view of the citizen and therefore risks the reduction of national support for the given operation and other operations to which that unit is associated. Ethical failures during this era of persistent conflict have had significant operational costs. To minimize the effects of these operational costs, leaders must morally assess their forces and strive to implement programs to minimize future ethical failures while developing systems which promote learning from failures which occur.

## Conflict, Leadership, and Professional Concerns

On 12 January 2011, General (Retired) Fred Franks delivered the keynote address for the initiation of the yearlong Unified Quest campaign from Army Executive Order 139-11. Unified Quest is a developmental process to review, assess, evolve, and change the Profession of Arms

---

[1] Profession of Arms Campaign, "Profession of Arms Campaign Glossary," Center for the Army Profession and Ethic. http://cape.army.mil/ProfessionOfArmsGlossary.html. (accessed 28 April 2011), p. 1.

and specifically "to conduct a review of the Army profession in an era of persistent conflict."[2]

During the past ten years, soldiers have traveled back and forth across the oceans, replacing the security of their homes and families with countless morally ambiguous situations found within the current conflict. Most soldiers can relate at least one combat zone story that tested their professionalism and forced them to question the foundation of their values and morals. These personal struggles have often mixed with professional conflicts to create internal tensions. These internal tensions often drive soldiers to question the values and ideals they hold as the basis of their service, contributing to cases of Post-Traumatic Stress Disorder (PTSD) and suicide.

Moral issues have existed as a part of warfare since its inception. As tribes developed into nations, leaders have been faced with the problem of guiding their forces to ensure their actions follow the spirit of the nation they represent. President Abraham Lincoln first identified the need for values and ideals to guide professional military service during the Civil War. The president codified these initial thoughts as General Order No. 100 in an effort to control the increasing violence of that conflict.[3] The Army's ideals and professional ethic have developed extensively from General Order No. 100 to create a strong foundation necessary to maintain the Army and secure the American way of life in a manner acceptable to the population and commensurate with the sacrifice given by so many.

These Army ideals and professional ethic ensure that the "unlimited liability"[4] each soldier accepts is not tarnished and, should the time come for the Soldier to accept the liability, their ultimate sacrifice is not in vain. This contract between the United States and its military members is protected by the Army ethic as a combination of five foundations, which are: the role

---

[2] HQDA EXORD 139-11: Review of the Army Profession in an era of persistent conflict, 27 October 2010. PARA 1.A.1

[3] Matthew Moten, "The Army Officer's Professional Ethic – Past, Present, and Future." Carlisle, PA: Strategic Studies Institute, U.S. Army War College, February 2010, p. 6.

[4] Unlimited liability refers to the inherent understanding with military service that military members may be required to lay down their lives, if necessary, for the accomplishment of the mission.

of the United States and the purpose of the U.S. Army, the role of civil-military relations in the

United States, the nature of military professional ethics, the profession and its ethic as the core of

institutional culture, and the relationship between the profession and its ethic and leadership.[5]

This ethic thus creates a "moral compass" based on "the laws of war, the Constitution, and the

values and ethos of the Army."[6] The first "moral compass" was Article 15 of the aforementioned

General Order No. 100, which states, "Men who take up arms against one another in public war

do not cease on this account to be moral beings, responsible to one another and to God."[7]

However, having a moral compass is not the end of the discussion but rather the beginning.

Research shows that people committed to ethical values regularly compromise their values and

commit ethical failures for multiple reasons.[8]

The causes of ethical failure are generally categorized into two theories. The first theory

of ethical failure is self-interest. Dean C. Ludwing and Clinton O. Longenecker, well known

professors in management education, expound on the self-interest theory using the Bathsheba

Syndrome. They identify four common by-products of success which contribute to ethical failures

of leaders: 1) leaders become complacent and lose strategic focus; 2) leaders gain privileged

access to information, people, or objects; 3) leaders gain unconstrained control over resources,

and finally; 4) leaders gain an inflated belief over their ability to control the situation.[9] The

second prominent theory of ethical failure is a cognitive failure to understand what constitutes

morality. Leaders receive substantial training on the Army ethic throughout their pre-

---

[5] Center for the Army Profession and Ethic, "Army: Profession of Arms," (Blackwell, OK: Schatz Publishing Group, October 2010), p. 2-3.

[6] Ibid., p. 7.

[7] Military Law, "The Lieber Code of 1863." United States Air Force Air University, http://www.au.af.mil/au/awc/awcgate/law/liebercode.htm#section1 (accessed 26 April 2011).

[8] Lieutenant Colonel Mark S. Patterson and Lieutenant Colonel Janet E. Phipps, "Ethics – Redirecting the Army's Moral Compass." Carlisle, PA: Strategic Studies Institute, U.S. Army War College, 24 April 2002, p. 1.

[9] Dean C. Ludwig and Clinton O. Longenecker, "The Bathsheba Syndrome: The Ethical Failure of Successful Leaders." Journal of Business Ethics 12, No. 4, (1993), p. 265.

commissioning courses and well into their mid-career courses. Leaders are shown ethical problems and prompted to develop "appropriate" ethical solutions. At the risk of using an oversimplified comparison, a student learns in elementary school that two plus two equals four and remembers that well into old age. So why do leaders fail to remember their ethical "math"?

Leaders must understand that ethics is not a mathematical equation which an instructor can teach to a student and be recalled by the student for the rest of their lives. Ethics involve emotions and personal experience which cause an individual to grow and develop. Leaders must understand the Army Ethic and the values which form the foundation of that ethic, to impart knowledge to their subordinates. James MacGregor Burns, one of the foremost experts on leadership, identifies three types of leadership values: ethical virtues, ethical values, and moral values.[10] The values are found throughout the military culture. They are also found within the principles utilized by the military culture to justify action known as the "Just War" theory.

The operational aspects of the "Just War" theory which concern soldiers is the conduct of war, framed within the theory of *jus in bello* or law during war. The moral conduct of war is founded on the primary principles of discrimination and proportionality.[11] The most basic function of military leadership is the ability to choose the right target, discrimination, and attack that target with the appropriate weapon, proportionality. Martin Cook, author of *The Moral Warrior* states that "Out of genuine care and concern with the weak and helpless, the soldier shoulders the burden of fighting to maintain an order and system of justice that, while falling far short of the deepest hopes of human beings, keeps the world from sliding into complete anarchy and chaos."[12] Dr. Cook, a professor of philosophy at the Air Force academy, considers this idea

---

[10] Joanne B. Ciulla, ed., *Ethics, the Heart of Leadership*, 2nd ed. (Westport, Connecticut: Praeger Publishers, 2004), p. ix – x.

[11] Bill Rhodes, *An Introduction to Military Ethics: A Reference Handbook*, (Santa Barbara, California: ABC CLIO, 2009), p. 102 - 118

[12] Martin L. Cook, *The Moral Warrior: Ethics and Service in the U.S. Military* (Albany, New York: State University of New York Press, 2004), p. 24.

universal among all soldiers. However, the Soldier must combine the knowledge of "Just War" theory with the foundation of the United States. The foundation, the Constitution, is the one authority to which every soldier swears allegiance.[13]

Dr. Cook raises another essential question which causes an individual to ponder the professionalism of the military. "Is the profession of arms – having gained, transmitted, built upon, and capitalized upon a specific body of knowledge and its application in a particular form of expertise – flexible enough to choose to remake itself and compete for a new jurisdiction that requires different skills and bodies of expert knowledge?"[14] In other words, if analysis of the Army ethic reveals the need for a change, can the military evolve while it maintains the core competencies on which it has relied upon in the past? The Future of the Army Profession project, determined four facets of an officer's identity – the warrior, the servant of the nation, the leader of character, and the member of a time-honored profession.[15] These components help create a leader, while the ethics help guide that leader in the correct direction. Strategic and operational leaders are responsible for molding each leader's moral compass and providing the correct gravitational force. Dr. Snider, in conjunction with the Center for the Army Profession and Ethic, is conducting an analysis into the necessary elements for the Army Ethic but he emphasizes that the key concern is ensuring the trust in the profession by the American population by stating, "As to the moral components of the Ethic …, they can be changed by the strategic leaders of the

---

[13] COL Joseph McLamb, a School for Advanced Military Studies instructor, raised an interesting point when discussing ethics with his students. He pointed out that while all soldiers swear allegiance to the Constitution, most have never read the document nor understand the guiding principles behind the words. This event caused considerable introspection for the author. Lieutenant Colonel (Promotable) Joseph McLamb, "Ethics" (lecture, Eisenhower Hall, Fort Leavenworth, Kansas, 25 April 2011).

[14] Cook, *The Moral Warrior*, p. 71.

[15] Don M. Snider, "The U.S. Army as Profession," in *The Future of the Army Profession*, 2nd ed., ed. Don M. Snider and Lloyd J. Matthews (Boston, Massachusetts: McGraw Custom Publishing, 2005), p. 12.

Army profession without significant external interference, so long as the Army is viewed by the public and its civilian leaders as a profession and not just a governmental bureaucracy."[16]
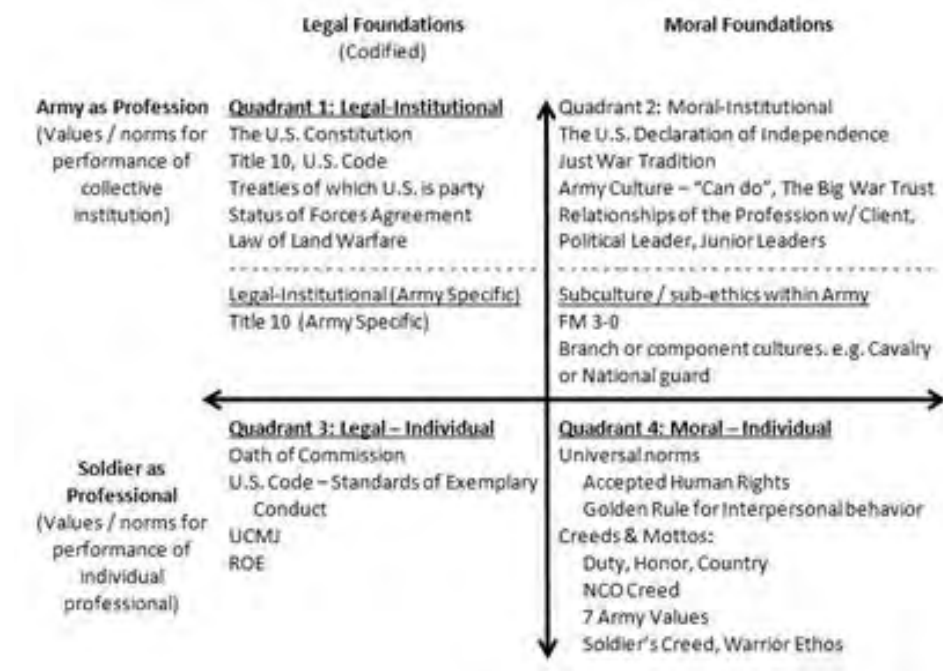


|  | Legal Foundations (Codified) | Moral Foundations |
|---|---|---|
| **Army as Profession** (Values / norms for performance of collective institution) | **Quadrant 1: Legal-Institutional** The U.S. Constitution Title 10, U.S. Code Treaties of which U.S. is party Status of Forces Agreement Law of Land Warfare ⸺⸺⸺⸺⸺⸺⸺⸺ Legal-Institutional (Army Specific) Title 10 (Army Specific) | Quadrant 2: Moral-Institutional The U.S. Declaration of Independence Just War Tradition Army Culture – "Can do", The Big War Trust Relationships of the Profession w/ Client, Political Leader, Junior Leaders ⸺⸺⸺⸺⸺⸺⸺⸺ Subculture / sub-ethics within Army FM 3-0 Branch or component cultures. e.g. Cavalry or National guard |
| **Soldier as Professional** (Values / norms for performance of individual professional) | **Quadrant 3: Legal – Individual** Oath of Commission U.S. Code – Standards of Exemplary Conduct UCMJ ROE | Quadrant 4: Moral – Individual Universal norms Accepted Human Rights Golden Rule for interpersonal behavior Creeds & Mottos: Duty, Honor, Country NCO Creed 7 Army Values Soldier's Creed, Warrior Ethos |

Figure 1: A Framework of the Army's PME[17]

## Leadership in an Era of Persistent Conflict

There has been very little research done on the ethical aspects of leadership in the current era of persistent conflict despite the Chairman of the Joint Chiefs of Staff instruction 1800.01D dated 15 July 2009 in which the requirement to ensure ethical lessons learned for operational and strategic leaders.[18] Therefore, the Army has been unable to identify the causes of an increasingly apparent trend of senior officers suffering the consequences of ethical failures. "Individuals in leadership positions can think they have less reason to expect the setbacks to self-interest that

---

[16] Ibid, p. 22.

[17] Snider, "The U.S. Army as Profession," p. 11. Copyright information on file with the Combined Arms Research Library at Fort Leavenworth, KS as CGSC Copyright Registration #11-943 C/E.

[18] Rear Admiral B. E. Grooms, Chairman of the Joint Chiefs of Staff Instruction 1800.01D, 15 July 2009.

most of us associate with immoral behavior."[19] These failures span both professional and personal lives. In the professional realm ethical failures at the tactical level can have significant operational and strategic ramifications as shown by the experiences at Abu Ghraib.[20] Experiences of previous wars show the necessity to identify and deconstruct ethical failures for the improvement of the force. "The historical record shows that wartime crises tended to produce, or perhaps to expose, the profession's shortcomings, which peacetime reformers then sought to correct. The Army's professional ethic embraced national service, obedience to civilian authority, mastery of a complex body of doctrinal and technical expertise, positive leadership, and ethical behavior."[21] Identifying the problem that creates these ethical failures is the first step in identifying methods to prevent similar failures from occurring in the future. Preventing these failures protects mission accomplishment and improves soldier effectiveness.

## What Constitutes an Operational Cost

An operational cost is a negative operational affect. An operational affect occurs when an element affects "a military action consisting of two or more related tactical actions, designed to achieve a strategic objective, in whole or part."[22] "Operational art is the pursuit of strategic objectives, in whole or in part, through the arrangement of tactical actions in time, space, and purpose."[23] Part of operational art is the ability of operational commanders and operational staffs to prevent elements from having negative operational affects. But, how does an individual recognize an operational affect?

---

[19] Terry L. Price, "Explaining Ethical Failures of Leadership," in *Ethics, the Heart of Leadership*, ed. Joanne B. Ciulla (Westport, Connecticut: Praeger Publishers, 2004), 132.

[20] The Abu Ghraib incident refers to the inhumane treatment of Iraqi prisoners between 2004 and 2006 which raised significant issues on the moral development of American soldiers when pictures of the incidents were released to the public. See Appendix 5 for more details on Abu Ghraib.

[21] Moten, "The Army Officer's Professional Ethic," p. vi.

[22] COL Wayne Grigsby. FM 3-0 developmental update brief to SAMS students. 18 April 2011.

[23] Ibid.

The first method of determining if an operational cost exists involves the analysis of objectives and goals. If operational goals connect strategic goals to tactical goals and an element affects both the strategic and tactical goals then there must be an operational cost. When the members of the 502d Infantry Regiment killed the small Iraqi family the national press reported the incidents and popular support for operations in Iraq dropped. The detainee abuse in Abu Ghraib reduced the effectiveness of intelligence operations and therefore reduced the effectiveness of the operational units. These ethical failures created significant operational effects and eventually became crucible events in history which, if properly utilized, can serve to improve and develop the U.S. Army.

## Definitions

The key to understanding an operational analysis of ethical failure is the environment which surrounds that work. *The United States Army Field Manual 6-22: Leadership* provides a broad overview of ethics but fails to truly define ethics. However, a 2002 study by Lieutenant Colonels Mark S. Patterson and Janet E. Phipps on the subject provides a better definition when they stated "Ethics… is the relationship between humans, and humans and organizations which is based on the concepts of truth, integrity, honesty, fairness, obligation, duty, knowing right from wrong, good from bad, and so forth."[24] The overarching definition of the Army ethic is "the collection of values, beliefs, ideals, and principles held by the Army profession and embedded in its culture that are taught to, internalized by, and practiced by its members to guide the ethical conduct of the Army in defense and service to the Nation."[25] It is, however, imperative that the Army ethic must be founded in the national ethic. The Center for the Army Profession and Ethic

[24] Patterson and Phipps, "Ethics," 24 April 2002, p. 3. There are numerous definitions for ethics. The monograph uses this definition due to the connection with the military aspects of ethics and specifically the ethics in the U.S. Army.

[25] Center for the Army Profession and Ethic, "Army: Profession of Arms," p. 2.

also provides the definition for values. Values are defined as the elements which individuals give importance to which can be espoused and outwardly apparent or intrinsic and held internally. Understanding the military values as a whole is essential, especially when the needs of the mission appear to be in conflict with those values. The definition of operation and the additional extrapolation of operational effect are necessary to understand the key thesis and boundaries of this study. An operation is "a military action consisting of two or more related tactical actions, designed to achieve a strategic objective, in whole or part."[26] For the purposes of this work, operational effect refers to the ability of an ethical failure to affect an operation as defined above. Additional definitions are used from sources external to the United States Army and to ensure common understanding for the studies utilized in Chapter 4.

The Moral Warrior provides definitions for natural laws and discrimination. Natural laws are "moral rules believed to be known by reason alone, apart from particular religious ideas and institutions."[27] Discrimination is "morally neutral" and "refers to distinguishing between groups of people or things on the basis of some characteristic that distinguishes one group from another."[28] Ethical transgressions occupy a large diversity of actions which include but are not limited to mistreatment of non-combatants, defying legal orders, stealing, lying, or falsifying reports. Exemplary ethical behavior is defined as "unexpected, selfless conduct in which an individual puts himself or herself at some risk."[29] Somatic complaints refer to the physical effects of ethical stress generally found in the form of aches, pains, and unexplained physical ailments.[30]

---

[26] COL Wayne Grigsby, FM 3-0 developmental update brief to SAMS students. 18 April 2011.

[27] Cook, The Moral Warrior, p. 24-25.

[28] Ibid., p. 33.

[29] COL Sean T. Hannah and Dr. John Schaubroeck, ACPME Technical Report 2010-01 MNF-I Excellence in Character and Ethical Leadership (EXCEL) Study, (West Point, New York: Army Center of Excellence for the Professional Military Ethic, 2009), p. 8.

[30] C. W. Hoge, A. Terhakopian, C. A. Castro, S. C. Messer, & C. C.Engel, "Association of posttraumatic stress disorder with somatic symptoms, health care visits, and absenteeism among lraq War veterans," http://ajp.psychiatryonline.org/cgi/content/full/164/1/150 (accessed 16 Aug 2011).

**Caveats**

Warfare in the current era of persistent conflict involves military members from a diverse collection of nations, each with their specific view of military ethics and professionalism. The accepted morality within individual governments and their militaries are strongly affected by the predominant religions and the developmental history of the nations. This work limits the focus on morality to those ideals held within the United States military and more specifically, those ideals espoused by the United States Army.

**Monograph Outline**

This monograph follows a developmental process to identify the point of view of the work, key information necessary for understanding, case studies as support, and essential lessons learned from this study. Chapter one provides the foundational knowledge necessary to promote a common understanding among readers. This foundation includes the background and significance necessary to create a mutual base of understanding with the elements found in this monograph. Chapter two elaborates on the current status of ethical discussions and investigates selected theories of ethical failure to identify common causes and indicators. Chapter three discusses issues specific to a discussion of the U.S. Army Ethic. Chapter four utilizes previous case studies and general ethical failures to develop data points on the ethical environment during the current era of persistent conflict. Chapter five serves as the anchor to bring together the multitude of ideas developed in this monograph into a common understanding.

# Chapter 2: Ethical Failures and Their Causes

"Military Ethics exists because some choices really are better than others, even in international relations and war."[31]

-- Bill Rhodes

---

[31] Rhodes, *An Introduction to Military Ethics*, p. 2.

## Ethics and the Military

Ethics, of which military ethics is a specific subset, revolves around the central idea of choice and the determination of the appropriateness of choices in relation to each other. Military Ethics identify particular decisions that are distinct to military situations and need specific guidance. Military ethics is a normative discipline focused on providing necessary tools to assist military personnel in determining which choices are better than others. Generally, a military choice is between multiple bad situations with bad consequences.  Ethics provides a structure of thought and analysis to ensure an individual possesses the capability to make the best choice possible in a bad situation. The evaluation of the best choice is usually determined against ideals founded in one of three theories in the family of universal standards of ethics.

The virtue theory, espoused first by the Greek philosopher Socrates (469 – 399 BC), emphasizes that an individual should live a full and happy life.[32] The integral elements of this theory are the knowledge and ability for the individual to make the right choice, and that the right choice will provide a full and happy life. The consequentialist theory, dating back to the Greek philosopher Democritus (460 BC), looks at the consequence of choices and focuses the good choice on the one which brings the greatest happiness to the most people while causing the least unhappiness to the fewest people.[33] The Deontological theory, furthered by the German philosopher Immanuel Kant in the late 1700's, emphasizes the protection of basic human rights for individuals and the responsibility to ensure those rights as defined through the perfect and imperfect duties to both self and others.[34] Military ethics combines all three theories in the ideal

---

[32] Ibid, p. 7 – 10.

[33] Ibid, p. 10 – 14.

[34] Ibid, p. 14 - 18.

of "the person responsible, the act, and the outcome."[35]  These Ethical theories have varying

influences in military ethics and the three primary approaches to the application of ethics to war.

## Pacifism, Realism, and everything in between

The discourse on ethics in its overall application to War preeminently focuses on three

theoretical approaches; Realism, Just War Tradition, and Pacifism. Realism and Pacifism are the

extreme right and left views which bound the Just War Tradition with a wide divergence of

thought. The realism approach, in the simplest terms, denies that morality applies to war.[36]

Clausewitz described the conditions for this approach in his understanding of the progression of

war to its natural limits of total war where the only element of concern is the destruction of the

enemy by any means necessary. This theoretical debate supports the fire-bombing of cities and

the use of nuclear weapons on civilian structures. Conversely, the pacifism approach believes that

war is morally wrong and therefore cannot be prosecuted within any type of ethical domain.[37] In

other words, there is no situation in which the taking of life is ethically justifiable; therefore,

ethics is completely incompatible with the act of war. Just War Tradition encompasses the entire

expanse between the previous two theoretical approaches. Militarism has been espoused by

relatively few ethicists, but exists as an additional approach.[38]

Militarism accounts for the Just War Tradition elements with a more Realist dimension

but the general discourse retains the idea of only the three primary approaches. The delineation of

theories to three approaches, of which two demonstrate narrow absolutes, creates an ideological

dilemma with the third. The breadth of possibilities within Just War Tradition creates such a large

---

[35] Ibid, p. 19. A rubric developed by Charles Myers, a retired USAF Colonel and PhD to exploit all three approaches.

[36] Nigel Dower, *The Ethics of War and Peace* (Malden, Massachusetts: Polity Press, 2009), p. 11 – 12.

[37] Ibid, p. 13-14.

[38] Ibid, p. 9.

12

subset that necessity requires ethicists to identify a specific argument not only as belonging to Just War Tradition approach but also what leaning an argument has towards the remaining two approaches. This theory is so vast that the Just War tradition could be used to explain events that on a basic evaluation seem diametrically opposed.

## Just War Theory…Doctrine…Thinking…Tradition

Just War is one body of work, known by many names, and developed over the past 2000 years, initially by the Italian priest Thomas Aquinas and Saint Aurelius Augustine.[39] Just War theory attempts to resolve the cognitive tension between the desire for peace, the aberration of killing, and the necessity of war to protect oneself and community. There still remains significant debate over the nuances of the theory but there are commonly accepted elements that provide foundational understanding. The theory encapsulates two elements; *jus ad bellum*, and *jus in bello*. *Jus ad bellum* focuses on the appropriate rationale for the initiation of war, which is generally agreed to be within the realm of politics and out of the military span of control. For the purpose of this study, the primary focus will be *Jus in bello,* which deals with the moral conduct of war and is generally agreed to fall within the purview of military personnel.

The primary evaluation criteria in *jus in bello* are generally accepted as proportionality and discrimination.[40] Discrimination refers to the need for military personnel to take action against only legitimate targets. Discrimination ensures that the death and destruction inflicted during war are targeting only legitimate military targets. This element helps delineate between the Just War approach and the realist approach. Proportionality refers to the limits placed upon the use of force to ensure that harm is caused only to the degree necessary to accomplish the goals of the conflict. The application of proportionality ensures that professional soldiers do not devolve

---

[39] Reference to Just War occurred earlier but it is generally accepted that St. Augustine and St. Thomas Aquinas first developed the general thoughts into usable applications.

[40] Rhodes, *An Introduction to Military Ethics*, p. 102 - 118

to the ideals of barbarianism where the maximum pain is inflicted on the enemy in the form of revenge. Through analysis and development over the years, necessity has evolved as an additional criterion. Necessity ensures that all harm inflicted is the result of legitimate military requirements.[41] This evolution of criterion prevents war profiteering and supports the previous two criterion. In addition to these base criteria found in *Jus in bello*, military professionals must have a working knowledge of natural laws, supreme emergency, and double effect which are integral to the ethical prosecution of conflict.

Natural laws evolved after the realization that a religious basis for just war theory was incomplete. Hugo Grotius, considered the father of international law, describes natural laws as the commonly accepted behavior practices between humans. The supreme emergency component attempts to relieve the cognitive tension between rights theory, where innocents can never be attacked, with utilitarianism, which weighs innocence against other values equally. Philosopher Michael Walzner describes Supreme Emergency as "…a way of maneuvering between two very different and characteristically opposed understandings of morality."[42] Double effect accounts for the unintended effects of war. The principle of double effect is the assessment of the value of the intended effect, for example death of an enemy combatant, with the value of an unintended effect, for example collateral damage.[43] Double effect is a further delineation of proportionality where the sincerely intended good effect must be proportional to the evil effect without the evil effect being the means to the good effect and the act itself being morally permissible.[44] In more basic terms, the idea of double effect denotes that the positive outcome must be comparable to negative outcome but the negative effect cannot be the primary reason for the action. For example, when a

---

[41] Ibid, p. 105.

[42] Michael Walzner, *Arguing About War.* (New Haven, Connecticut: Yale University Press, 2004) p. 35.

[43] Dower, *The Ethics of War and Peace*. p. 95 - 96.

[44] Ibid, p. 95.

14

soldier shoots at a vehicle charging a checkpoint and kills the passengers in an attempt to save the soldiers' lives, the element of double effect exists as long as the individual firing did so with the express intent to save the soldiers' lives and not to inflict harm on others.

## Ethical Decisions and Failures

Ethical decisions and failures do not develop in a mono-causal system of events. Each ethical decision is based on a distinct decision-making process with external pressures, personal influences, and situational influences. The complex combination of process and pressures is similar to an aircraft in flight. The aircraft is operated through a mechanical process that attempts to balance the surrounding external air pressure; when there is too much drag on an aircraft, the process compensates to ensure altitude. When an individual experiences an ethical situation, that individual also uses a process to balance the complex combination of situational, personal, and external pressures that attempt to influence the individual into different decisions.

Figure 2 depicts some of the multiple models of rational decision-making theory with nuanced differences between them. Minnesota Professor and founder of the Center for the Study of Ethical Development James Rests' "Four Psychological Components Determining Moral Behavior"[45] is the most widely used model and covers the basic ideas behind rational decision making. The four components of the model are moral sensitivity, which interprets the situation; moral judgment, which judges which action is morally right or wrong; moral motivation, which prioritizes those judgments amongst themselves; and moral character, which identifies the individual. Under this model, Ethical failure can occur when an individual is deficient in any one of these components.

---

[45]James R. Rest, "Background: Theory and Research," in *Moral Development in the Professions: Psychology and Applied Ethics*, ed. James R. Rest and Darcia Narvaez (Hillsdale, New Jersey: Lawrence Erlbaum Associates, Publishers, 1994) p. 22 - 23. James R. Rest was the director for the director for the Center for Ethical Development at the University of Minnesota.
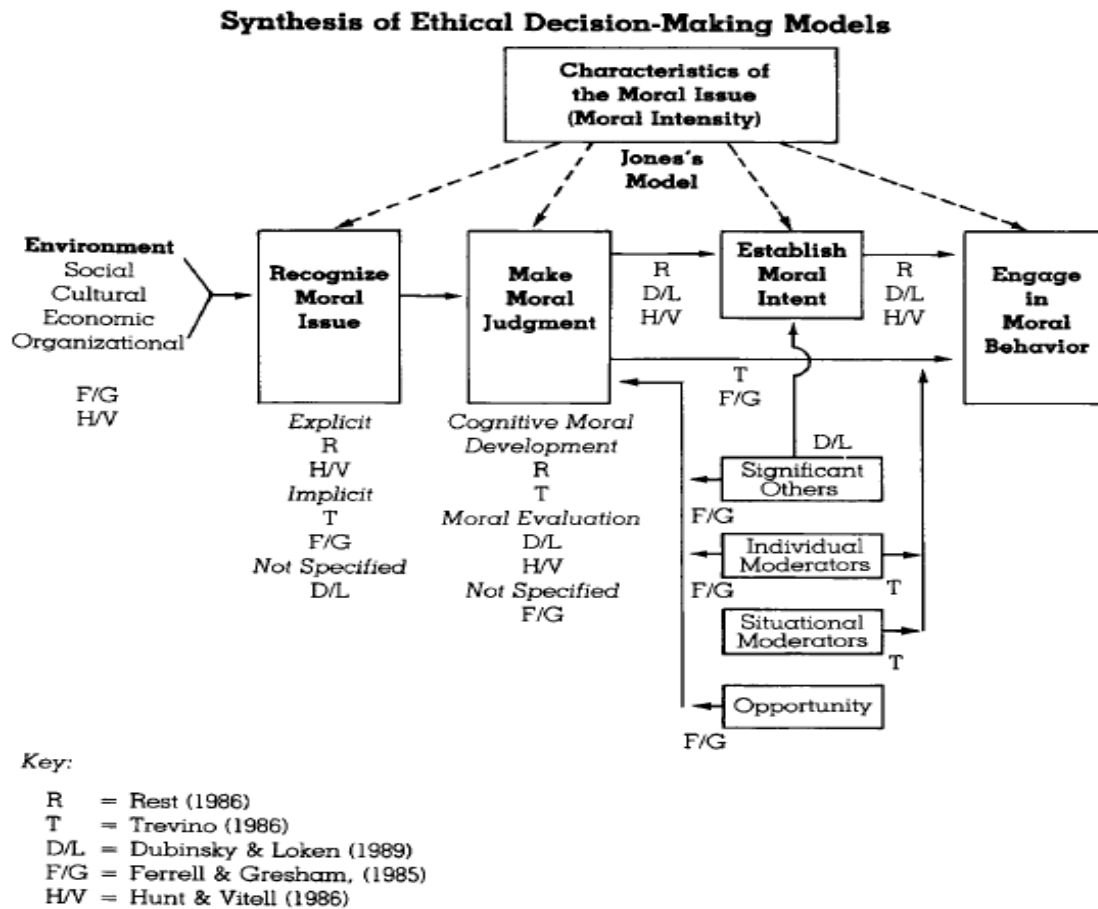
15

## Synthesis of Ethical Decision-Making Models



**Figure 2: Synthesis of Ethical Decision-Making Models**[46]

The bystander intervention model, initially developed by American psychologist Bibb Latane and American social psychologist John Darley, identifies five-step processes which bystanders go through when witnessing an event and identifies many of the same elements found in Rests' model.[47] First, the bystander must notice the event. Then the bystander must evaluate the event as requiring help. In the third step, the bystander must assume personal responsibility to

---

[46] Thomas M. Jones, "Ethical Decision Making by Individuals in Organizations: An Issue-Contingent Model.," *The Academy of Management Review*, (Apr 1991): 370. Copyright information on file with the Combined Arms Research Library at Fort Leavenworth, KS as CGSC Copyright Registration #11-941 C/E.

[47] Peter J. Bradley, "Why People Make the Wrong Choices – The Psychology of Ethical Failure." In *The Moral Dimension of Symmetric Warfare: Counter-terrorism, Democratic Values, and Military Ethics*, edited by Th. A. van Baarda and D. E. M. Verweij. Leiden, Netherlands: Martinus Nijhoff Publishers, 2009)p. 285 - 289.

provide the required help. The bystander chooses a method in which to help during the fourth step. Finally, in the fifth step, the bystander must implement the chosen method. The moral elements found in the last four steps of the bystander model match those in the James Rests' model. Rational decision-making models are countered with the rapid decision-making model which addresses the intuitive decisions individuals make every day.

The rapid decision model follows a different methodology than the rational decision-making theory. Rapid decision-making methodology is especially prevalent in the military mindset due to ingrained nature found within training of reactionary battle drills and thinking; however, very little research has been conducted in this field. The model is a single descriptive element due to the nature of the process; however, the research currently available looks at three dimensions that have the greatest effect on rapid decisions. Empirical evidence has shown that an individual's mood has a significant impact on moral situations. [48] When individuals are in good moods, they tend to analyze events more deeply while individuals in bad moods tend to focus on their own issues to the exclusion of others.

Research has also identified that judgment plays a critical role in moral decision making.[49] Individuals are driven by their own experiences and how those experiences affect their personal judgment and perceptions. If an individual is shot at every time they see an individual with a gun, then the individual will inherently come to fear anyone with a gun. The surrounding environment also significantly impacts the rapid decision-making process. Researchers have noted that large groups often demotivate individuals from preventing ethically questionable situations from proceeding. Mood, judgment, and the surrounding environment are factors driven by external pressures which influence ethical decisions. Personal influences such as moral reasoning, empathy, and social dominance orientation also impact ethical decision-making.

---

[48] Bradley, "Why People Make the Wrong Choices," p. 289 – 290.

[49] Ibid, 283 - 284.

Moral Reasoning, similar to the judgment dimension found in rapid decision-making, has a significant impact on the choices individuals make.[50] Psychologist Lawrence Kohlberg looked extensively into moral reasoning and developed a scale to discern between the different levels of moral reasoning found in individuals. The Kohlberg Scale of Moral Development[51] identifies three different levels of moral development with two steps to each level. The pre-conventional level is the first level of moral development. At the pre-conventional level, individuals are motivated by self-interest through personal gain or threat of punishment. Conventional Level is the second level within Kohlberg's scale. The Conventional level incorporates a personal decision with an understanding of the value of laws and social norms. Individuals make the right decisions because of a realization that it is in the group's best interest. The third level of Kohlberg's scale is post-conventional. The post-conventional level is associated with individuals who follow the rules of a given society due to internalization, a deep understanding of the purpose and need to follow the ethical guidelines. Two Army officers conducted research on the application of this moral developmental model to U.S. Army soldiers.

Applying this model to the Army, Lieutenants Colonel Mark Patterson and Janet Phipps identified educational levels associated with specific groupings of soldiers. All soldiers need to operate, at a minimum, within Level 2, Stage 4, Societal Expectations. Soldiers need to understand what the rules are and follow them out of desire for the best interest of the society. Mid-career leaders should operate at the Conventional level, Stage 5, where the leaders understand the basis for the ethical guidelines, enabling them to train the junior soldiers to develop the previously-mentioned level of moral development. Senior leaders should operate at the highest level of moral development, Conventional level, Stage 6. These individuals are responsible for the determination of the ethical guidelines of the military. To develop appropriate

---

[50] Bradley, "Why People Make the Wrong Choices," p. 289.

[51] Found in Appendix 1. Patterson and Phipps, "Ethics," p. 5-6.

ethics, senior military personnel must be conversant and knowledgeable on all nuances of the ethical dimensions.[52]

Just as important as moral reasoning, Empathy helps develop a connection between individuals through the ability to understand each other. When individuals lack a strong empathetic ability, they often become self-involved and underestimate the negative impacts of events on others. When individuals maintain too much empathy, they can overestimate the negative impact of events and place greater risk on the unit. Soldiers, therefore, must find balance in empathy that ensures ethical compassion while not sacrificing the mission. In addition to moral reasoning and empathy, social dominance orientation plays a key role to ethical decisions.

Social Dominance Orientation (SDO) is perhaps the greatest cause of ethical failure within todays military. "People with strong SDO are competitive and value prestige, power, and hierarchical relations in which their group is considered superior to other groups."[53] These components of SDO can provide the foundation for ethical faults. Excessive SDO drives individuals to effects-based operations where the method to accomplish the task is of less concern than the accomplishment of the task itself. For example, the level of SDO is extremely elevated in a unit that steals parts from peer units in order to look better in reports or in individuals who agree with superiors merely to receive praise rather than providing honest assessments of plans. Over concern about SDO can cause micro-management which can affect the unit's ability to achieve mission objectives; however, units must ensure that the method used to succeed is as important as the success itself. Moral reasoning, empathy, and SDO are all key situational influences.

Other situational influences, such as ideology, organizational factors, and moral intensity, also combine to create an environment that affects ethical choices. No situation can be divorced of the environment in which it occurs. The ideology, or societal factors, of the environment

---

[52] Patterson and Phipps, "Ethics," p. 6 - 7.

[53] Bradley, "Why People Make the Wrong Choices," p. 295 - 296.

19

affects the ability of the individual to act ethically or judge what is ethically correct. Suicide

bombers are the best examples of individuals who ignore commonly held beliefs that it is wrong

to kill noncombatants due to an ideology. The organizations to which individuals belong mold

their participation in external activities and create organizational factors. The military

organization rewards promotion with higher pay and respect which can work with social

dominance orientation to drive individuals to unethical decisions in pursuit of specific job

oriented goals.  Moral intensity, developed by Washington ethics professor Thomas M. Jones,

captures the degree of moral involvement in the situation. The components of moral intensity are

the magnitude of the consequences, social consequences, probability of effect, temporal

immediacy, proximity, and concentration of the effect.[54] History shows two distinct processes

that typically lead to unethical military behavior.

De-individualization is the degradation of an individual's ability to self-regulate and

control ones actions. The most common instances of de-individualization are referred to as

"group think" or "mob rule". During the My Lai incident,[55] many soldiers reported being swept

up by the action and following along with the group, no matter what action the group took. Moral

disengagement is the second process soldiers typically experience that leads them to unethical

behavior. Canadian psychologist Albert Bandura researched the effect of moral disengagement

and found it a growing trend throughout all society.[56] Moral disengagement refers to an

individual's ability to seemingly disconnect from the moral beliefs and guidelines normally

followed and accept practices and beliefs that previously were determined unethical. The

---

[54] Jones, Thomas M., "Ethical Decision Making by Individuals in Organizations: An Issue-Contingent Model," *The Academy of Management Review*, (Apr 1991): 374 - 378.

[55] The My Lai incident was the massacre of between 300 and 500 South Vietnamese civilians by American soldiers on 16 March 1968 and has served as a foundational teaching event in Ethics for many courses in military leadership.

[56] Bandura, Albert. "Moral Disengagement in the Perpetration of Inhumanities." *Personality & Psychology Review*, vol. 3, Issue 3, 2009, (Lawrence Erlbaum Associates).

incidents at Abu Ghraib prison are examples of the moral disengagement of soldiers. These individuals, in a typical situation, understood their actions as wrong but the situation allowed the soldiers to disconnect those beliefs.

# Chapter 3: The Army Profession and Ethic

"Character is intrinsic to everything we do."[57]                                                 -- Gus Lee

## The United States Army Ethic

To identify ethical failures, analysis first must define the ethic itself. For an analysis involving the Army the specific ethic in question must be the Army Ethic. The Center for the Army Profession and Ethic states, "The Army Ethic is the collection of values, beliefs, ideals, and principles held by the Army Profession and embedded in its culture that are taught to, internalized by, and practiced by its members to guide ethical conduct on the Army in defense of and service to the Nation."[58] The values, beliefs, ideals, and principles can be depicted through ethical virtues and moral values. Ethical virtues, or specifically military virtues, refer to the idealized aspirations seen in many of the artifacts of the Army Ethic such as courage, respect, and selfless service. These aspirations provide a goal to be achieved through development and commitment to the military profession. However, they are rarely well-defined which causes a diverse understanding within the military population. Moral values are framed in the elements of *jus in bello* and the natural laws.

For the Army, this collection is also organized into five foundations: the role of the United States and the purpose of the U.S. Army, the role of civil-military relations in the United States, the nature of military professional ethics, the profession and its ethic as the core of

---

[57] Gus Lee, "Master Army Profession and Ethic Training Course" (lecture, West Point Officer's Club, United States Military Academy, West Point, NY, July 19, 2011).

[58] Center for the Army Profession and Ethic. "Army: Profession of Arms," p. 2.

institutional culture, and the relationship between the profession and its ethic and leadership.[59] These five foundations serve as the basis for a system of mutual trust between the members of the U.S. Army, the leaders who guide them, and the civilians whom they protect.

The trust is a link between all three elements that strengthens or weakens due to the actions of each element. The trust provides military members the security to know that the missions they execute are appropriate and that the United States is behind them. The leaders trust that the military members will execute their tasks without moral turpitude and without micromanagement from the civilian populace. Civilians trust that military members will accomplish their mission and protect the nation's values, with their life if necessary, and that the leaders will not needlessly sacrifice those lives. These trusts are given earnestly, but when lost, they are near impossible to recover. Dr. Don M. Snider, political science professor, solidifies this belief by stating "Moral character and the professional ethic were the foundation for the trust the American people place in their military and the foundation for the trust Army officers place in their profession."[60] This fragile relationship is why the Army must maintain professionals in order to prevent a loss of trust, which would cause the Army to cease to be a profession.

The foundation identified as the nature of military professional ethics refers to the foundational knowledge of the ethic. The Army ethic provides guidance in two ways. "First, it must demonstrate how moral reasoning is both integral to operational design and is key to achieving operational adaptability based on the moral relationship of the operation's goal to the action's that constitute that operation."[61] The Army ethic ensures that soldiers are not merely provided with a destination to reach but appropriate paths to reach it. Military personnel often

---

[59] Ibid, p. 2-3.

[60] Snider, "The U.S. Army as Profession," p. 25.

[61] Major Chris Case, Major Bob Underwood, and Colonel Sean T. Hannah, "*Owning Our Army Ethic*," *Military Review: Special Edition*, (Fort Leavenworth, Kansas: Combined arms Center, Sep 2010), p. 7.

discuss the desired effect they want to achieve. Just as important as determining the right effect is identifying an appropriate and ethical manner of reaching that effect. "Second, it must provide the moral framework necessary to link the traditional martial values and warrior identity to the source of moral value these aim to defend: the supreme dignity of the individual human being."[62] Moral reasoning is the foundation to effective execution of operations and ensures that the execution meets the favor of the United States citizens. Each soldier swears allegiance to the Constitution, but the document is not fossilized in stone. The Constitution is a living document, which, through the years has changed as the values and principles of the population changed and provides that critical link to the population and its moral basis.

To ensure the profession and its ethic are the core the institutional culture; soldiers must internalize the Army ethic. Parents routinely convey Aesop's fables to their children in an effort to educate them in morality and develop their ethical underpinning. Aesop's fables have been used since the days of ancient Greece and continue to provide valuable lessons. The value of this internalization is intrinsically known by every parent, just as the value of internalizing the Army ethic is intrinsically known by every good leader. The greatest difficulty which leaders face is assisting soldiers in internalizing the numerous elements of the Army culture within its ethic. The culture is composed of an inseparable mix of four elements which must be understood together to truly be understood as a whole. "Army culture is the confluence of four intertwined influences: the evolving values of the American people; the influence of international laws; the functional imperatives of an effective military force; and the pride, esprit, and ethos required for members of the profession to willingly sacrifice their lives in subordination to the will of the Nation, perhaps with the ultimate sacrifice."[63] Instruction, however, contains lessons to educate the individual and additional remedial education when the individual fails to pass the test. Leaders must be

---

[62] Ibid.

[63] Case, Underwood, and Hannah, "*Owning Our Army Ethic*," p. 9.

responsible for ensuring that the soldiers follow the Army ethic; thereby creating a system of self-regulation.

## Culture

Army culture is comprised of the members' professional identities, sense of community, and hierarchy.[64] Culture encompasses how soldiers act, how soldiers think, what soldiers value, and what soldiers believe is a worthwhile pursuit. Professional identity is the manifestation of who an individual is, what that individual wants to be, molded by social and personal identities, and drives the outward exhibition of identity through behavior.[65] The sense of community within the Army culture is built through the camaraderie found within organizations. The camaraderie enables a system which can provide role models, either good or bad. Hierarchy refers to the structure of the Army where each individual provides value in the performance of their mission to the overall greater good.

The Army culture is exhibited in three levels which include artifacts, espoused values, and underlying assumptions.[66] Artifacts are the physical representations of the beliefs of the unit. An example of artifacts are posters or placards that openly state rules and espoused values such as signs in restrooms which state "all employees will wash their hands" or a poster which depicts the prevention of fraud, waste, and abuse. Espoused values are the rules and procedures distributed throughout the element. These elements are manifested in standard operation procedures, rules and regulations, and guidelines published by the leadership. Underlying assumptions are the true beliefs and culture of the unit. The previous two elements may not truly represent the culture of the unit which is found in the underlying assumptions. A unit may espouse good character but the

---

[64] Lee, "Master Army Profession and Ethic Training Course".

[65] COL (R) Joseph Lebeouf, Ph.D., "Master Army Profession and Ethic Training Course" (lecture, West Point Officer's Club, United States Military Academy, West Point, NY, July 18, 2011).

[66] Lee, "Master Army Profession and Ethic Training Course".

underlying assumption may exist that the unit will steal parts from other units to maintain vehicle

readiness. Once the true culture of the unit is found and gaps are identified between the true

culture of the unit and the appropriate culture necessary for proper operation, leaders must

develop and shape the unit culture.

Methods of shaping culture are organizational design, organizational systems and

procedures, stories, legends, and myths, design of physical space, and formal statements about

organizational philosophy.[67] Organizational design affects the composition of the unit and can

include the creation of ethic advisors which help monitor the organizations culture and supervise

the implementation of programs to change that culture. These programs are examples of

organizational systems and procedures and emphasize the necessary culture; however, these

elements are useless without true "buy in" with the leadership and changing the underlying

assumptions. Stories, myths, and legends provide essential role-modeling to help mold the

members of the organization. The design of the physical space often enables a change in culture

through the ability to increase the interaction and transparency of the organization. Finally, an

organizational philosophy can often serve as the initiation to a change in culture by showing the

involvement of the leadership and a true course of change. Once the culture is realigned however,

leaders must remember that the culture can negatively shift from the intended culture when

leaders fail to properly monitor the unit's culture.

## Character

An individual's character is developed through interaction with a myriad of elements

within the individual's ethical battlespace[68] and "…is intrinsic to everything we do."[69] The ethical

---

[67] Ibid.

[68] Ethical battlespace is a recently discontinued term in the Army Profession and Ethic Training Course which encompasses the large number of elements that affect an individual's character. The term simplifies the discussion by accepting that character is influences by a large number of elements without forcing a group to have a separate discussion on the intensity and value of the components.

battle space includes: professional ethics and ethos, unit leadership, culture, and norms, operating environment, physical and psychological state, personal virtues, ethics, and morals, human spirit; laws, regulations, and rules of engagement; Army culture and values.[70]

## Maturity

The moral maturity subcomponent of character encompasses the ethical nature of an individual and is composed of the sub identities of identity, judgment, ownership, and self-awareness.[71] As the "who you are" of character development, moral maturity is the initiation point of any ethical process. These ethical underpinnings provide the root knowledge necessary to determine what options are correct within the given ethical framework. These sub entities comprise the foundation of the soldier and help provide the basis for ethical analysis.

Moral identity is the blending of the virtues which an individual aspires to and the principles an individual has developed throughout their life.[72] The principles provide the rule of life and action which guide an individual towards to the development of acceptable options in ethical situations. The individual's virtues allow the individual to further delineate the options in their attempt to aspire to their depiction of a better and more virtuous self. Generally individuals identify virtues as positive examples which they strive to achieve; however virtues can also be negative aspects which individuals assess as more desirable. For example, an individual may see the attainment of rank as a virtue and choose options which pursue that virtue at any cost. Therefore, virtues themselves are inherently neutral. It is the individual who attaches a positive or

---

[69] Lee, "Master Army Profession and Ethic Training Course".

[70] See Appendix 4:Elements of the Ethical Battlespace for further delineation of these elements. Chris Miller and Jamie Gadoury, "Army Profession and Ethic Training Course" (lecture, Thayer Building, United States Military Academy, West Point, NY, July 15, 2011).

[71] Miller and Gadoury, "Army Profession and Ethic Training Course".

[72] Ibid.

negative assessment to the virtue. While identity provides the foundation of maturity, judgment expands the foundation over time.

Moral judgment is the combination of experience and skill gained through the interaction of an individual with ethical situations.[73] Often referred to as wisdom, this experience provides individuals with a basis for comparative analysis in future situations. As individual experience increases the foundation for comparative analysis grows and the speed of the analysis increases. These developments create the "gut" feeling or intuition to which most individuals refer when recalling their realization that an ethical situation exists. The intensity of the gut feeling is manipulated by the levels of the remaining elements.

The remaining elements of moral maturity, ownership and self-awareness, affect the application of identity and judgment. Moral ownership involves the intensity in which an individual applies moral judgment and moral identity.[74] The commitment and level of ownership is ever-shifting and incorporates the environment and metal state of an individual. When an individual is severely stressed or worn down, their level of ownership and commitment often lessens which diminishes their ability to see the variety of appropriate options available and the ability to properly evaluate those options. Moral self-awareness is the individual's ability to truly see their actions and evaluate their behavior.[75] Self-awareness is often clouded by pride and ego which interfere with true understanding. A confused self-awareness will cloud the remaining elements of moral maturity with a skewed assessment.

---

[73] Ibid.

[74] Ibid.

[75] Ibid.

## Strength

The moral strength subcomponent of character encompasses the ability to act ethically and is composed of the sub identities of confidence, courage, and resiliency.[76] As the "what you are willing to do or not do" of character development, moral strength is the application element of any ethical process. The ability to act on an individual's ethical beliefs requires conviction and strength. Without the ability to act, the value of the realization of ethical situations is mitigated and ethical failures continue at a greater rate. Moral confidence is the realistic expectation that an individual's actions will enable ethical outcomes.[77] Confidence is generally considered an admirable and necessary trait in soldiers. Confidence is essential to an individual's ability to act with strength and prevent half measures.

Resilience is "the ability to persevere and adapt when things go awry."[78] Moral resiliency refers to the ability to persevere during moral situations while maintaining the capability to continue to make appropriate decisions within an individual's moral framework. The current operational environment has proven to be morally ambiguous causing soldiers to constantly assess vague and unfamiliar moral situations. It is impossible for leaders to train for every variety of morally ambiguous and vague situations which might face an individual. The soldier's moral resiliency is the component which enables the soldiers to evaluate these situations against their moral underpinnings while accepting the pressures of loyalty and mission to ensure appropriate actions. Often the right answer is not the popular or safest answer but the moral resiliency of the force enables soldiers to return with honor and the force, as a whole, to maintain the respect of the supporting population and the government which directs its actions.

---

[76] Ibid.

[77] Ibid.

[78] Karen Reivich and Andrew Shatte, *The Resilience Factor*, (New York, New York: Broadway Books, 2002), p. 1.

## Courage

Moral courage is the "fortitude to perform actions despite pressures from either inside or outside of the organization to do otherwise."[79] Moral courage is what enables soldiers to accept the Army's unrelenting demand of duty and cross the river of fear.[80] Courage counteracts the "pentafecta" of fear. The "pentafecta" of fear comprises of the five typical ways that individuals portray fear. The first element of the "pentafecta" of fear is being silent or passive. The silent or passive element is manifestation of fear through the failure to speak up when ethical failures occur or are in the process of occurring. The second element of the "pentafecta" is the active process of avoiding the situation or denying individual responsibility of the situation. Excuses are exhibited as third element of the "pentafecta" which individuals utilize to mitigate their internal desire to act appropriately with external elements which prevent them from following their moral identity. Blame or gossip enables individuals to shift responsibility for failing to act courageously as the fourth element of the "pentafecta". Anger or abuse is the final element of the "pentafecta" and generally the most common exhibition of fear as individual's nervous systems try to compensate for the automatic feelings that evolve from the stress caused by acting in contradiction of one's personal values and belief.

## Moral Beliefs and Moral Experience

The elements of the ethical battle space influence the moral beliefs and moral experience, as shown by Figure 3, of soldiers in positive and negative ways creating tension in the system of individual and unit ethical development. [81] The tension is manifested in multiple ways. Positive

---

[79] Ibid.

[80] Lee, "Master Army Profession and Ethic Training Course". The River of Fear is representative of the elements which inhibit a good person who makes good personal decisions from challenging others when those individuals make unethical decisions.

[81] See Appendix 4 for more details.

leadership at one level can be counteracted with negative leadership at another level. Soldiers and units are simultaneously members of multiple ethical climates. For example, a platoon may epitomize one ethical climate for the Company and another for the Battalion. Soldiers' garrison ethical climate can be vastly different from their deployed ethical environment. These elements continue to create feedback systems which develop complex individual character which support the Army's Ethical Processing Model.
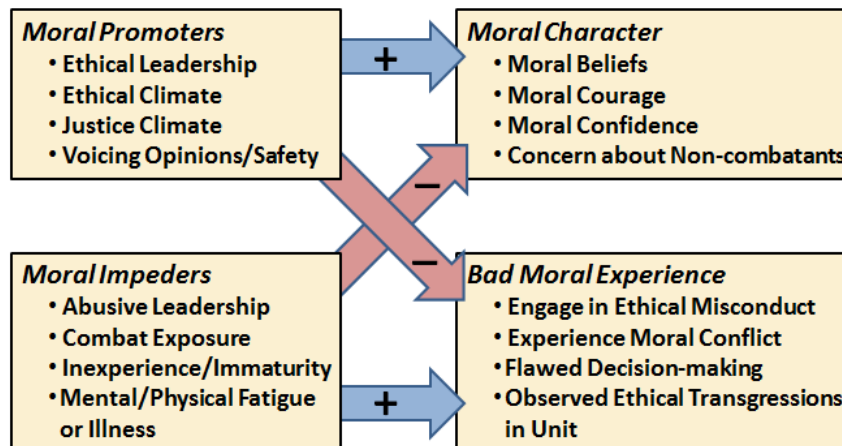
**Moral Promoters**
- Ethical Leadership
- Ethical Climate
- Justice Climate
- Voicing Opinions/Safety

+ →

**Moral Character**
- Moral Beliefs
- Moral Courage
- Moral Confidence
- Concern about Non-combatants

−

**Moral Impeders**
- Abusive Leadership
- Combat Exposure
- Inexperience/Immaturity
- Mental/Physical Fatigue or Illness

+ →

**Bad Moral Experience**
- Engage in Ethical Misconduct
- Experience Moral Conflict
- Flawed Decision-making
- Observed Ethical Transgressions in Unit

−

**Figure 3: Factors Associated with Soldiers' Moral Beliefs and Moral Experience[82]**

## The Army's Ethical Processing Model

The Army's Ethical Processing Model provides a systematic method to teach soldiers ethical decision-making. Individuals' make ethical decisions consciously and sub-consciously. These decisions are often made quickly without focused thought. The Army's model allows soldiers to evaluate the decisions they make by deconstructing the events within a situation and identifying additional paths available but not taken. The experience gained through evaluation of ethical decisions increases an individual's maturity and strength. The deconstruction also assists

---

[82] Bill Kuiper, *Lesson Plan for Lesson CAPE-APET-LP03: Enhancing Moral Character Development*, (West Point, New York: U.S. Army Profession and Ethic Trainer Workshop, 20 Sep 2010), Slide 3. Copyright information on file with the Combined Arms Research Library at Fort Leavenworth, KS as CGSC Copyright Registration #11-944 C/E.

soldiers in adjusting their personal identity to include the necessary elements within the profession of arms that validates the exercise of military power in defense of the United States. The subcomponents of character exist throughout the model. The model's first two steps, recognizing the conflict and evaluating the options, invokes the elements of moral maturity. The model's last two steps, commit to a decision and act, utilize moral strength as its foundation.
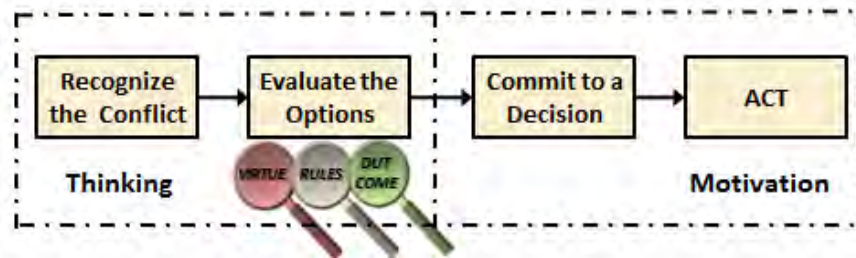


**Figure 4: Ethical Processing Model**[83]

## Recognize the Conflict

Recognizing the conflict requires "acknowledging that an ethical conflict exists, defining it, and identifying the conflicting rules / values / outcomes / etc."[84] Recognizing the conflict is ethical situational awareness. Personnel are unable to address the situation without the initial recognition of the conflict. There are a variety of circumstances which affect an individual's ability to recognize the conflict. An individual's upbringing and their experience with ethical decisions may not be extensive enough to recognize the issue. An individual may be too focused on other issues and simply overlook the ethical impacts. Individuals may not have sufficient resilience to remain alert to ethical dilemmas. The ability to recognize ethical conflicts is essential and can be increased through focused individual character development, increased resiliency, experience and practice with ethical conflicts, and the appropriate ethical guidance.

---

[83] Ibid, Slide 16. Copyright information on file with the Combined Arms Research Library at Fort Leavenworth, KS as CGSC Copyright Registration #11-944 C/E.

[84] Miller and Gadoury, "Army Profession and Ethic Training Course".

## Evaluate the Options

Evaluating the options involves "evaluating the possible courses of action using the ethical lenses."[85] The three ethical lenses are rules, outcomes, and virtues. These lenses, however, are not disparate elements. The ethical choice using one lens may be in contradiction to the same choice using another lens. For example, the best outcome choice may contradict the available rules lens. An essential component to the evaluation step occurs before the evaluation. To ensure a complete evaluation of the options, individuals must ensure they look at as many options as possible. Often, individuals limit options prematurely. Especially during the development of the unit, the inclusion of seemingly unacceptable options ensures that all members of the unit identify all possible options and realize which options are unacceptable. This process increases the moral maturity of all members of the unit.

The rules ethical lens involves the codified rules and regulations, as well as, unit procedures that help guide individual actions. Understanding the difference between the guides and mission orders is a key component in the rules ethical lens. Mission orders dictate the specific actions of the soldiers while the rules and regulations help guide soldiers. Rarely does a rule or regulation perfectly apply to a situation but they assist the soldier by providing a comparative guide to ensure the soldier's behavior maintains the Army Ethic. Examples that reside within the rules ethical lens are the rules of engagement, commander's intent, and standard operating procedures. The outcomes lens applies the commonly known principle of greater good in ethical decisions. During the evaluation, the outcome lens allows soldiers to assess the possible outcomes of each option and drives soldiers to find the option that provides the greater good. The virtues lens involves the necessary personal reflection associated with the evaluation of options. The rules ethical lens applies guidelines from other while the outcomes lens applies general

[85] Miller and Gadoury, "Army Profession and Ethic Training Course".

32

assessments; however the virtue lens ensures that the options are consistent with an individual's personal beliefs and virtues found within that individual's character. When the rules lens and the outcomes lens lead to an option that fails to fall within the virtue lens, the individual will lack the strength to act with focus and dedication on the chosen option.

## Commit to a Decision and Act

Moral maturity is exhibited in the determination of proper ethical options but individuals must also have the moral strength to follow through with those options. Committing to a decision is "choosing and committing to the best ethical course of action."[86] Commitment may seem like a simple prospect but the strength required is significant. True commitment appears after the individual choses the highest possible moral action and understands the consequences of the action. The severity of the consequences of the given action often causes commitment to waver. Moral strength stabilizes an individual providing the ability to stand by the decision and act on the highest possible moral action.

# Chapter 4: Ethical Analysis of Iraq

"A primary tenet of professions is continuous self-assessment, reflection and learning. Professions iteratively assess not only their professional expertise but also those factors that promote the character and virtue with which that expertise is exercised, using that knowledge to further reinforce the ideals and values of the profession."[87]

- ACPME Technical Report 2010-01

There are numerous relevant artifacts in the discussion of combat ethics in Iraq. This study will focus on three primary groupings; reported ethical events, the Mental Health Advisory Team (MHAT) reports, and the Army Center of Excellence for the Professional Military Ethic (ACPME) Technical Report 2010-01 MNF-I Excellence in Character and Ethical Leadership

---

[86] Miller and Gadoury, "Army Profession and Ethic Training Course".

[87] Hannah and Schaubroeck, ACPME Technical Report 2010-01, p. 1.

(EXCEL) study. The reported unit failures include ethical incidents reported through news agencies and Inspectors General at various levels. The MHAT reports focus on mental health assessments from members of the U.S. Army Medical Command on deployed soldiers within Iraq. The EXCEL study focused on an analysis of specific ethical and leadership attributes. These three elements combine to provide an overall assessment of the impact of Iraq operations on the ethical culture of deployed soldiers.

## Reported Unit Ethical Failures

Abu Ghraib[88] demonstrated with surreal clarity the ability of America's sons and daughters to commit unethical acts with focus and forethought. Abu Ghraib, however, is not the sole occurrence of unit ethical failure. In March 2006, 5 members of the 502d Infantry Regiment raped, murdered, and set on fire a fourteen year old girl.[89] The Center for Army Profession and Ethic (CAPE) has twenty four additional written case studies and fifteen video documentaries on ethical failures developed from occurrences in Iraq to support Army Profession and Ethic Training Courses (APETC). The proclivity of these reports in Iraq causes ethicists to question the true number of unethical incidents due to the propensity of soldiers not to report unethical behavior in the military. These numerous ethical problems prompted the U.S. Army to attempt to determine the severity of the perceived ethical dilemma.

## The Army's Mental Health Advisory Teams (MHAT)

Mental Health Advisory Teams filed their first report in December 2003 focused solely on Operation Iraqi Freedom under the direction of the U.S. Army Surgeon General.[90] The MHAT

---

[88] See Appendix 5: Events in Ethical Failure for more detailed summary information.

[89] Ibid.

[90] Office of the Surgeon Multi-National Force-Iraq, Operation Iraqi Freedom Mental Health Advisory Team Report, 16 December 2003, http://www.pbs.org/wgbh/pages/frontline/shows/heart/readings/mhat.pdf  (accessed 16 Aug 2011).

V report, published in February 2008, was the first report to include Afghanistan. The most recent report from MHAT VII was published in February 2011 and focused solely on Afghanistan. These reports provided valuable insight into mental health issues as they developed over time for the deployed force. Interestingly, ethical elements were dropped from the MHAT VI version of soldier combat and well-being model.[91] Both models were adapted from the Soldier Adaptation Model from psychologists Paul. D. Bliese and Carl. A Castro.[92] The MHAT VI version of the soldier combat and well-being model removed reporting ethical violations and the ethics specificity in training from the preventative factors, as well as, unethical behaviors from behavioral health and performance. The removal of these factors when data suggests a rising trend allows only extrapolation for future assessment.

## Mental Health Advisory Team (MHAT) V Operation Iraqi Freedom 06-08

MHAT V questioned soldiers from Operation Iraqi Freedom 06-08. The results of the ethical questions identified concerns with the moral integrity of deployed soldiers compared to previous surveys. "Soldiers' willingness to report unit members for unethical behaviors almost certainly runs counter to the strong sense of bonding that occurs among unit members during the deployment. Therefore, given that unit morale is significantly higher in 2007, it is not particularly surprising that soldiers continue to be reluctant to report ethical violations of unit members."[93] During MHAT V, the highest number of respondents agreeing that they would report a unit member for unethical behavior involved killing innocent personnel and was 41.2 percent, down from 45.5 percent in 2006.[94] This data indicates that over half of the respondents would not report

---

[91] See Appendix 3 for a graphical depiction of the two models.

[92] Ibid. citation found under both models in the original MHAT V and MHAT VI reports.

[93] Office of the Surgeon Multi-National Force-Iraq, Mental Health Advisory Team (MHAT) V Report: Operation Iraqi Freedom 06-08, 14 February 2008, http://www.behavioralhealth.army.mil/research/index.html (accessed 16 Aug 2011), p. 54 - 55.

[94] Ibid, p. 55.

unit members for killing innocent personnel. During the same period, 84.4% of the respondents reported that they received training that made it clear how they should behave towards non-combatants.[95] The research team noted that the willingness to accept ethical failures was increased from previous studies.

**The EXCEL Study**

Validity and Applicability of the Study

The Army Center of Excellence for the Professional Military Ethic (ACPME) conducted the Excellence in Character and Ethical Leadership (EXCEL) study in June 2009 involving 2,572 soldiers deployed under the command of MNF-I.[96] The study was conceived under the directive of General George Casey, the Chief of Staff of the Army, and General David Petreus, Commander of Multi-National Forces Iraq in response to an increasing concern among senior service leaders of a declining ethical environment in the U.S. Army. According to a report from the Congressional Research Service, in June 2009, there were 134,500 troops within the Iraq Theater.[97] Therefore, this study reflects a polling percentage of 1.91percent of the total Iraq force. The survey maintained anonymity which mitigated the risk of false reporting but maintained the ability to consolidate units in order to compare results with members who would have operated together with shared experiences and witnessed the same events. The EXCEL study focused on positive and negative elements of ethical practices on the battlefield; however, a majority of the reporting focused on noncombatant interaction.

---

[95] Ibid, p. 58.

[96] Hannah and Schaubroeck, ACPME Technical Report 2010-01, p. 1-2.

[97] Amy Belasco. Troop Levels in the Afghan and Iraq Wars, FY2001-FY2012: Cost and Other Potential Issues, (Washington, D.C.: Congressional Research Service, 2 Jul 2009), p. 45.

The EXCEL Study involved ethical and leadership assessments on an individual and unit level which provided the ability to extrapolate, develop new points of data from existing data points, information into unit-level groupings, soldier attributes, and ethical observations.[98] The survey provides significant information; however, there are limitations in further extrapolation. The unit groupings within the data are limited primarily to squad level. Without greater information in reference to the breadth of personnel surveyed the validity of extrapolation to brigade and division level cannot be assessed. However, the high percentage of positive reporting is sufficient to identify an overall pattern. While this study cannot specifically identify higher level failures, investigations within Multi-National Forces - Iraq which identify overall unit failures for ethical reasons increase the confidence in the extrapolation of this data to higher levels.

## Ethical Implications

The ethical findings of this study, in combination with reports from within MNF-I of higher level ethical failures identify a serious deficiency in the moral character of deployed forces and their ability to conduct operations which truly reflect the espoused character of the U.S. Army. These elements further validate the negative effects of the operational environment. "Soldiers in combat face morally complex and often ambiguous moral dilemmas which they have to respond to often under conditions of stress, fatigue, time compression and other demands. Such conditions can lead to ethical transgressions through either commission (intentional acts) or omission (failure to act)."[99] Between 57 and 75 percent of squads had at least one member of the squad report the occurrence of transgressions, with between 10 and 25 percent of squads having

---

[98] Excerpt figures from the EXCEL study can be found in Appendix 2.

[99] Ibid, p. 3.

three or more members reporting such behavior.[100]  The amount of combat exposure significantly

increases the number of ethical transgressions, especially in the form of mistreatment of

noncombatants.[101] Even on the low end of the scale, these percentages demonstrate significant

ethical failures at individual and squad levels. However, there are also ethical successes. The

realization of this diversity in development demonstrates the need to identify the reasons behind

the disparate developments and formulate programs that create the best qualities in all soldiers. In

response to these findings, CAPE has developed the Army Profession and Ethic Trainers Course,

as well as, the Master Army Profession and Ethic Trainers Course to increase the discourse on

Ethics and Professionalism within the Army and improve moral resiliency of the force.

Difficult situations can bring out the best and worst in people. Many difficult and deadly

situations prompted extreme acts of courage and loyalty.[102]  "Soldiers were most likely to display

courage when protecting a fellow soldier, and least likely to do so to protect a non-combatant."[103]

The EXCEL study shows increased ethical failures; however, it also shows how these ethically

obscure situations help mold young soldiers, creating a stronger ethical base and character. The

word hero has been used to describe a multitude of individuals spanning a diverse variety of

professions and ways of life. In the military, soldiers find heroes in each other as their friends

exhibit loyalty and demonstrate the unlimited liability that each soldier accepts.

## Ethical Causes

The EXCEL study summarized their findings with four primary reasons for the ethical

failures found. Soldiers failed to understand ethical behavior, exhibited physically diminished

---

[100] Ibid, p. 3. These figures were determined through analysis of Figures 7 and 8 found in Appendix 2.

[101] Ibid.  More data found in Appendix 2.

[102] Ibid.

[103] Ibid, p. 9.

capability, saw benefit in committing the failures, or committed failures in an attempt to regain a sense of control within their situations. These causes are consistent with previous research completed in the field of ethics and its application to other areas.

The primary reason for ethical failure in Iraq is "often people do not fully understand the standards for proper conduct, particularly in dynamic, rapidly changing and high risk contexts."[104] Through ten years of persistent conflict, the focus of Army training has centered on combat tactics necessary to survive and operate with limited emphasis on the ethics within those actions. In preparation for deployment, soldiers complete a myriad of checklists from the diverse higher headquarters throughout the assigned theater. These checklists emphasized combat training with limited ethical training, generally found in the form of law of war training and training vignettes. The minimal ethical training combined with obscure environment creates a cognitive failure. Physical demands follow lack of training as the second most prominent cause of ethical failure.

Soldiers have shown physical manifestation of the effects of ethical failure. "There are also relationships between diminished levels of well-being (i.e. fatigue, poor sleep, somatic complaints) and transgression behavior."[105] Combat is a physically demanding environment. Soldiers are exercised regularly to improve performance in physically demanding environments. The physical exercise, however, is designed to increase physical capability and minimize the effects of fatigue. Most units do not focus on improving mental capability during these physically stressful times. Often, the limited mental training during times of physical stress is found within situational training exercise in simulated environments. Fatigue and stress alter soldiers' mental states, driving them often to accept the solution which reduces physical requirements and stress. This motivation frequently acts contrary to their moral character. These personal desires can

---

[104] Ibid, p.16.

[105] Ibid, p.18.

combine with the soldier's perceived mission requirements to provide utility in committing ethical offenses.

"A third major reason some people commit ethical offenses is simply because they perceive utility in doing so, and low risk to themselves for engaging in such behavior."[106] The utility and low risk increases the chance of an ethical failure. When faced with the decision to fire into a crowded area or continue to receive fire from enemy combatants, initial mission analysis dictates protect the force. Many soldiers fail to understand the greater mission requirement of protecting non-combatants due to the immediate desire to preserve the lives of fellow soldiers and the personal protection provided by the status of forces agreements. Missions at different levels can produce contradictory mission requirements. Individual soldiers must, therefore, choose their interpretation of the mission that promotes the common good. Improper decisions can cause situations to worsen; soldiers also commit ethical failures as the situation degrades in an attempt to control the situation.

"The fourth major cause of unethical behavior concerns individuals' attempts to regain control of the situation in which they are frustrated and are experiencing displaced anger."[107] Soldiers are trained to control the situation in order to minimize negative effects. Controlling the situation becomes a foundational element in operations which drives soldiers to maintain control at any cost; often causing the negative effects which they initially sought to prevent. Combat situations include severe risk and cognitive tension. Soldiers must assess those risks while fighting the internal strife of prioritizing missions. These tasks occur in an unpredictable human environment. War is a contest between wills. How individuals act in war is as varied as the causes of war. The actions of the different individuals involved can quickly spiral a situation out of

---

[106] Ibid, p. 19.

[107] Ibid, p.20.

40

control. It is human nature for individuals to attempt to gain greater control when faced with the perception of losing control.

# Chapter 5: Operational Implications

"In emerging from its Vietnam experience, the United States Army in particular had to shake off the trauma of ten weary years of a war generally won at the tactical level but overwhelmingly lost at the strategic level."[108]

- John S. Brown

Ethical failures during the current era of persistent conflict have had significant operational costs. To minimize the effects of these operational costs, leaders must morally asses their forces and strive to implement programs to minimize future ethical failures while developing systems which promote learning from failures which occur. Fundamental development and implementation of ethics is crucial to minimize the risk of future ethical failures. While the artifacts of the Army Ethic fall under the purview of Strategic leaders, development of ethics within operational units and the follow-on implementation of those ethics is the purview of the operational commander. When ethical failures do occur, operational units must have the necessary systems in place to address those failures and promote learning throughout the unit. Failure to implement the necessary systems increases the risk of operational costs of future ethical failures.

## The Development of Ethics within Operational Units

Ethics has continued to change and develop since the days of Socrates and Democritus. Activities considered essential to life such as slavery have become unethical as humanity and the American culture has changed and developed throughout time. Since the Army Ethic is a direct reflection of the American society, the Army Ethic has also changed and developed. The Army

---

[108] John S. Brown, "The Maturation of Operational Art: Operations Desert Shield and Desert Storm," in *Historical Perspectives of the Operational Art*, ed. Michael D. Krause and R. Cody Phillips (Washington, D.C.: Center for Military History, United States Army, 2007), p. 439.

Ethic and culture adapted to the restraints on violence imposed by Abraham Lincoln through the integration of women and minorities in the Armed Forces. The repeal of "Don't Ask, Don't Tell" continues to show the Army's evolution. As the Army Ethic develops, operational units must reassess their internal values and ethical considerations in order to ensure that

During the current era of persistent conflict, operational units are operating in communities, amongst populations, which require an appreciation for the civilian component of their operational environment and a necessary adjustment to their understanding of military ethics. Duty-based and virtue ethics still have their place in military ethics but must also include other ethical foundations. A social contract exists between soldiers and the American citizens. The contract, guided by the Constitution and detailed by various artifacts such as oaths of enlistment and commissioning, identifies the interaction between the population and its service members. Therefore, social contract ethics[109] are a natural inclusion in the Ethic. Social Contract ethics also apply to the operational environment in which soldiers operate. A social contract also exists with the non-combatants on the activities and actions of the soldiers. This contract is incorporated through Rules of Engagement and Status of Forces Agreements which regulate the actions of service members. The operational ethic must broaden its scope to ensure that soldiers are able to operate appropriately and provide overall intent which guide actions.

## Operational Actions in Ethical Failure

Most individuals accept that failures teach more than successes. Ethical failures are no exception. Soldiers are inundated with stories of bravery and courage which serve to boost morale and increase the fighting spirit. These courageous stories are a necessary military component. Human nature urges individuals to hide their failures which prevent learning. When ethical

---

[109] John Mizzoni, *Ethics: The Basics*, (Malden: Ma, Wiley-Blackwell, 2010), p. 60. Mizzoni describes social contract ethics as "An action … is a right action when it is consistent with the contract you have agreed to."

failures occur which relieve commanders and scar units, the initial instinct is to hide the facts to protect the individuals involved. Hiding the circumstances prevents the force from learning valuable lessons; lessons which could prevent future failures. To maximize the learning benefit of ethical failures operational units must develop systems to track and publish ethical failures in order to identify the key components within the ethical battlespace where the failure occurred and educate soldiers. The system also adds a component of transparency to the unit's ethical foundation which ensures a baseline application of the principles and supports the internalization of the principles within each Soldier in the command. Historically, ethical failures are investigated but the findings are often made confidential due to privacy issues. Operational units can eliminate the names and unit identifications to relieve the privacy issues while providing the remaining information to the force to stimulate learning.

## Future Costs of Ethical Failure

Ethical failures have had multiple operational costs in Iraq. The data gathered from the EXCEL survey and the Mental Health and Assessment Teams illuminate that soldiers' loyalty to each other often outweighs the moral requirement to report ethical failures. In the world of 'wicked problems' there are no easy solutions. Afghanistan experiences similar ethical concerns and there is a high probability that future operational environments will involve similar aspects. The American military serves as the heart of American freedom. The U.S. military gives the average citizen the confidence to pursue the American dream without worrying that a foreign power will invade and take it away. The knowledge that the military executes operations in a manner consistent with the American culture ensures that its citizens feel secure and solidifies the social contract between soldiers and citizens. Ethical failure corrupts that heart and endangers the social contract. When soldiers are faced with the dilemma of loyalty or duty, the easy answer is always duty. However, it is harder for an individual to choose that answer faced with ruining the life of an individual and teammate who has accepted the unlimited liability. Soldiers who choose

loyalty over duty are choosing between two bad situations. Choosing between multiple bad situations is fundamental to 'wicked problems' which will continue to develop in an era of persistent conflict. Extrapolation of the EXCEL and MHAT data points to future ethical failures and associated costs at the tactical, operational, and strategic levels.

## Conclusion

Soldiers do not spring into existence from the graduation of Basic Combat Training (BCT) by simply putting on a uniform. They are developed overtime. Soldiers, like swords, are formed through heat and pressure. Crucible events in life serve as the heat which strengthens certain aspects of the soldier's character; while weakening others by causing the soldier to question his or her own beliefs. Ethics and ethical education serve as the pressure to mold soldiers into an actionable extension of the United States and its Constitution. Ten years of persistent conflict has provided a tremendous number of crucible events to strengthen and weaken numerous aspects of soldiers' character. While these events have strengthened loyalty and duty, in many ways it has weakened honor, respect, and professionalism.  To ensure soldiers are developed strong and sharp, the pressure must be applied appropriately. Pressure applied in the wrong manner serves only to mangle and warp the metal. When senior leaders exhibit immoral or unethical behavior, their pressure serves to warp and dull soldiers by limiting their capability and fostering an environment which enables ethical failure. Operational success can be quickly nullified by tactical ethical failure. In this fast-paced digital world, efficiency and effects have enabled soldiers to discover different paths to the same goals but often these paths have led straight through ethical and moral inconsistencies.  Ethics must permeate every action soldiers take and leaders must emphasis that the path to mission accomplishment is just as important as the achievement.

# Appendix 1: The Kohlberg Scale of Moral Development

| Kohlberg Scale of Moral Development[110] | | | |
|---|---|---|---|
| Level 1: Pre-conventional | Stage 1: Reward and Punishment | Things that are wrong are those that are punished by authority figures in that person's life | Example: For a toddler, the concern with being punished by a parent is the determining factor in judging their behavior – things that are "right" are what parents and other authority figures approve – behavior that conforms in this direction is judged as good behavior |
| | Stage 2: Instrumental | The individual assesses actions by asking whether a course of action will or will not meet individual interests. Actions are assessed in terms of whether they bring about outcomes of individual desire. | Example: Think about the way parents persuade children to "be good" by promising that if they are, they'll receive a special reward or opportunity to do something they really want. |
| Level 2: Conventional | Stage 3: Peer Group | Conventional thinking emerges; the child begins to understand that there are moral rules to be followed and principles to be respected, even at the cost to personal preference or desire. Moral principles are those approved by one's peer group, friends, and communities. | Example: The middle-school child, for whom standing apart from the peer group is virtually inconceivable. |
| | Stage 4: Social Expectation | The measure of right and wrong is no longer the immediate peer group, but the broader standard of "society" and the values of the ambient culture. When asked to think about a moral question, they resolve it by appealing to those beliefs and attitudes of society as the final norm of judging. | Example: Most adults think about moral issues in this pattern – they accept the values and expectations of the society in which they live, without question. |
| Level 3: Post-Conventional | Stage 5: Social Contract | Willingness to think about moral issues outside the framework of society's values and assumptions. Individuals think about ethics in terms of the social contract and the generalized requirements of social cooperation in a society. | Example: The individual gives up some of their liberties and compromise some wants for the larger group. It recognizes the social group is itself set in a larger web of groups and relationships. |
| | Stage 6: Universal Moral Principle | Assesses ethical issued in terms of universal ethical principles. The moral thinker is able to transcend the interests of individuals, societies, and even of the social contract. Concepts of ethical thought such as justice and fairness have a universal meaning that enables them to think outside the accepted values of society. They challenge taken-for-granted moral assumptions of their society; they advocate principles of ethics at a great personal cost. | Example: Gandhi and Martin Luther King, Jr. |

---

[110] Patterson and Phipps, "Ethics," p. 5-6. Copyright information on file with the Combined Arms Research Library at Fort Leavenworth, KS as CGSC Copyright Registration #11-942 C/E.

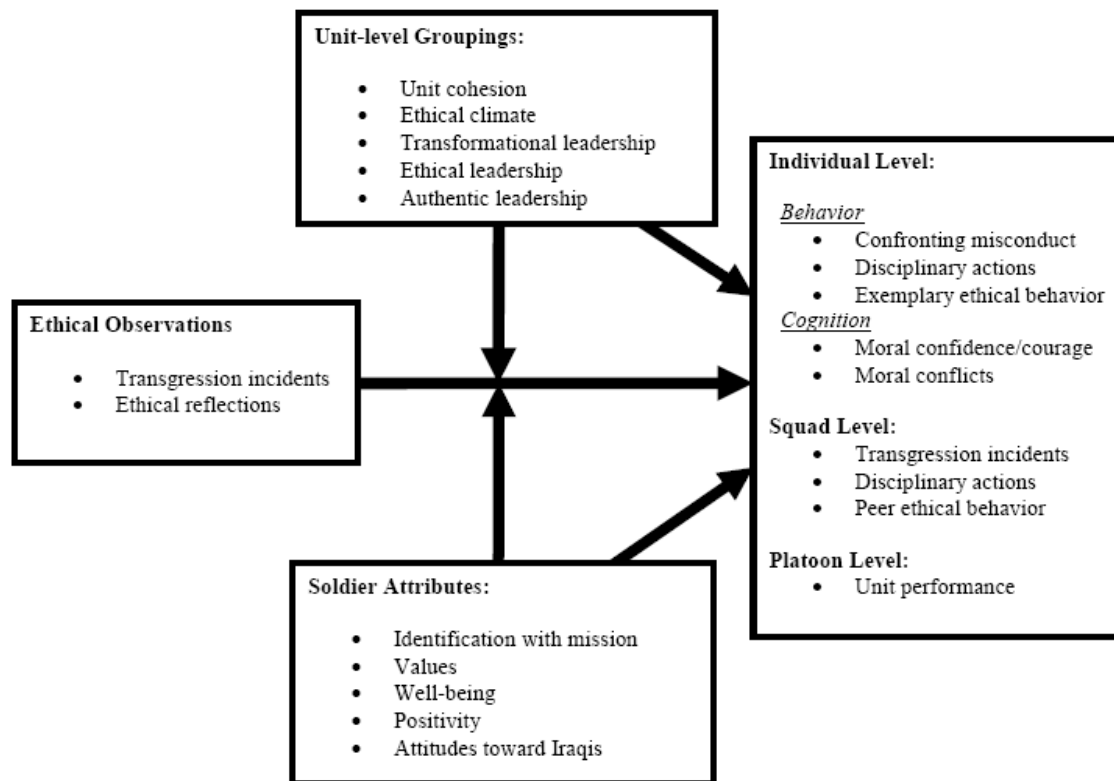# Appendix 2: EXCEL Study Numerical Findings

**Unit-level Groupings:**

- Unit cohesion
- Ethical climate
- Transformational leadership
- Ethical leadership
- Authentic leadership

**Ethical Observations**

- Transgression incidents
- Ethical reflections

**Soldier Attributes:**

- Identification with mission
- Values
- Well-being
- Positivity
- Attitudes toward Iraqis

**Individual Level:**

*Behavior*
- Confronting misconduct
- Disciplinary actions
- Exemplary ethical behavior

*Cognition*
- Moral confidence/courage
- Moral conflicts

**Squad Level:**
- Transgression incidents
- Disciplinary actions
- Peer ethical behavior

**Platoon Level:**
- Unit performance

**Figure 5: Core Variables Assessed**[111]

---

[111] Hannah and Schaubroeck, ACPME Technical Report 2010-01, p. 2. Copyright information on file with the Combined Arms Research Library at Fort Leavenworth, KS as CGSC Copyright Registration #11-946 C/E.

| Number of respondents reporting that they were aware that their member (s)… | No one reported | One person reported | Two persons reported | Three persons reported | Four or more persons reported |
|---|---|---|---|---|---|
| Mistreated non-combatants | 57.5% | 30.2% | 10.3% | 1.7% | 0.3% |
| Defied legal orders | 36.2% | 29.2% | 21.9% | 8.0% | 4.7% |
| Stole | 38.2% | 34.9% | 18.9% | 5.0% | 3.0% |
| Lied or falsified reports | 24.9% | 33.9% | 21.3% | 11.6% | 8.3% |
| Unnecessarily damaged non-combatant's property | 50.2% | 32.6% | 13.0% | 2.3% | 2.0% |
| Defied the ROE to accomplish the mission | 55.5% | 30.2% | 10.0% | 3.7% | 0.7% |
| Killed or injured an enemy combatant when it was not necessary | 67.4% | 25.9% | 5.6% | 1.0% | 0.0% |
| Killed or injured a non-combatant when it was not necessary | 64.5% | 26.2% | 8.0% | 1.3% | 0.0% |

Notes: Based on 295 squads.

**Figure 6: Reports of Misconduct within Squads[112]**

| How often have you witnessed your squad leader … | No one reported | One person reported | Two persons reported | Three persons reported | Four or more persons reported |
|---|---|---|---|---|---|
| Seeing this behavior at least sometimes | | | | | |
| Take credit for something which they do not deserve | 8.0% | 21.6% | 22.9% | 18.9% | 28.6% |
| Lie, falsify a report, or fail to report | 31.9% | 30.9% | 23.3% | 7.0% | 7.0% |
| Seeing this behavior often or very often | | | | | |
| Take credit for something which they do not deserve | 21.3% | 34.9% | 21.9% | 12.0% | 10.0% |
| Lie, falsify a report, or fail to report | 63.5% | 25.6% | 7.6% | 2.7% | 0.7% |

Notes: Includes data from 295 squads.

**Figure 7: Squad Leader Ethical Misconduct as Reported by Squad Members[113]**

---

[112] Ibid, p. 4. Copyright information on file with the Combined Arms Research Library at Fort Leavenworth, KS as CGSC Copyright Registration #11-946 C/E.

[113] Ibid, p. 5. Copyright information on file with the Combined Arms Research Library at Fort Leavenworth, KS as CGSC Copyright Registration #11-946 C/E.
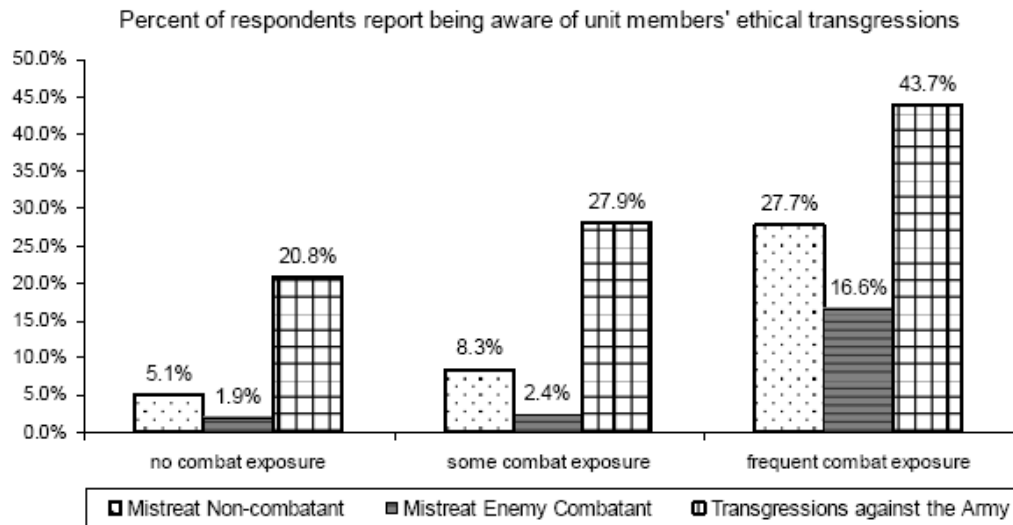
**Percent of respondents report being aware of unit members' ethical transgressions**



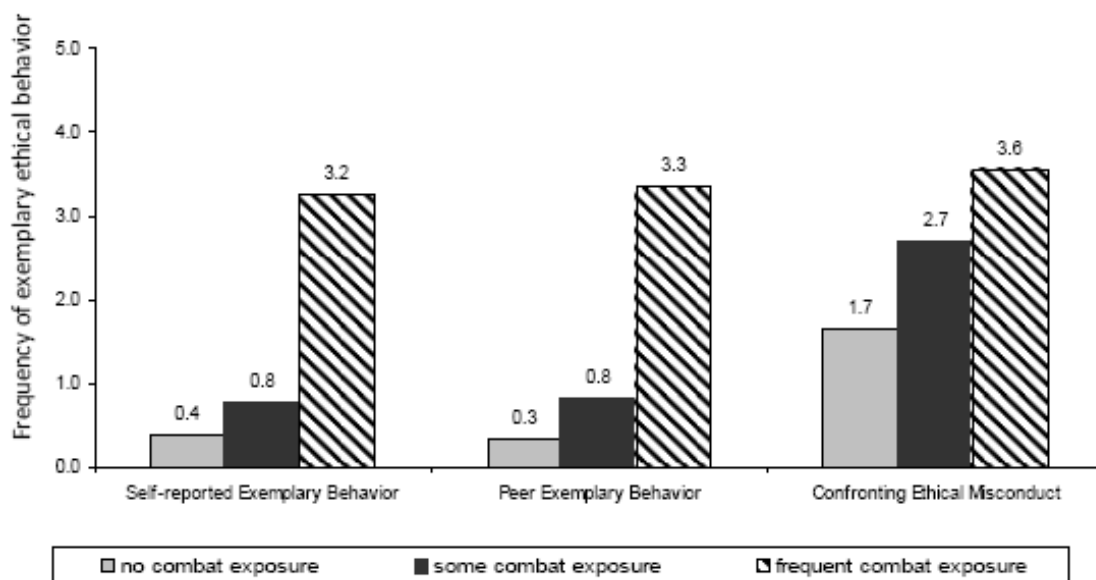Figure 8: Effect of Combat Exposure on Ethical Transgressions[114]



**Figure 9: Exemplary Ethical Behavior Associated with Combat Exposure[115]**

---

[114] Ibid, p. 7. Copyright information on file with the Combined Arms Research Library at Fort Leavenworth, KS as CGSC Copyright Registration #11-946 C/E.

[115] Ibid, p. 9. Copyright information on file with the Combined Arms Research Library at Fort Leavenworth, KS as CGSC Copyright Registration #11-946 C/E.

| Rate the number of times you are aware that members of your squad... | Percent (once) | Percent (two to four times) | Percent (five times or more) |
|---|---|---|---|
| Mistreated non-combatants | 1.6% | 4.3% | 1.6% |
| Defied legal orders | 4.6% | 9.4% | 3.1% |
| Stole | 4.9% | 6.6% | 2.4% |
| Lied or falsified reports | 5.3% | 11.4% | 4.7% |
| Unnecessarily damaged non-combatant's property | 2.5% | 6.0% | 1.5% |
| Defied the ROE to accomplish the mission | 1.8% | 5.4% | 1.3% |
| Killed or injured an enemy combatant when it was not necessary | 1.2% | 3.3% | 0.8% |
| Killed or injured a non-combatant when it was not necessary | 1.2% | 3.8% | 1.0% |

Notes: N=2572; Effective sample size for each item ranges from 2487 to 2496.

**Figure 10: Unit Ethical Transgressions Reported by Individual Soldiers[116]**

| Number of respondents reported that they were aware that their member(s)... | No one reported | One person reported | Two persons reported | Three persons reported | Four or more persons reported |
|---|---|---|---|---|---|
| Mistreated non-combatants | 57.5% | 30.2% | 10.3% | 1.7% | 0.3% |
| Defied legal orders | 36.2% | 29.2% | 21.9% | 8.0% | 4.7% |
| Stole | 38.2% | 34.9% | 18.9% | 5.0% | 3.0% |
| Lied or falsified reports | 24.9% | 33.9% | 21.3% | 11.6% | 8.3% |
| Unnecessarily damaged non-combatant's property | 50.2% | 32.6% | 13.0% | 2.3% | 2.0% |
| Defied the ROE to accomplish the mission | 55.5% | 30.2% | 10.0% | 3.7% | 0.7% |
| Killed or injured an enemy combatant when it was not necessary | 67.4% | 25.9% | 5.6% | 1.0% | 0.0% |
| Killed or injured a non-combatant when it was not necessary | 64.5% | 26.2% | 8.0% | 1.3% | 0.0% |

Notes: N=295.

**Figure 11: Unit Ethical Transgressions by Squad Members and Squad Leader[117]**

---

[116] Ibid, p.26-27. Copyright information on file with the Combined Arms Research Library at Fort Leavenworth, KS as CGSC Copyright Registration #11-946 C/E.

[117] Ibid, p.27. Copyright information on file with the Combined Arms Research Library at Fort Leavenworth, KS as CGSC Copyright Registration #11-946 C/E.

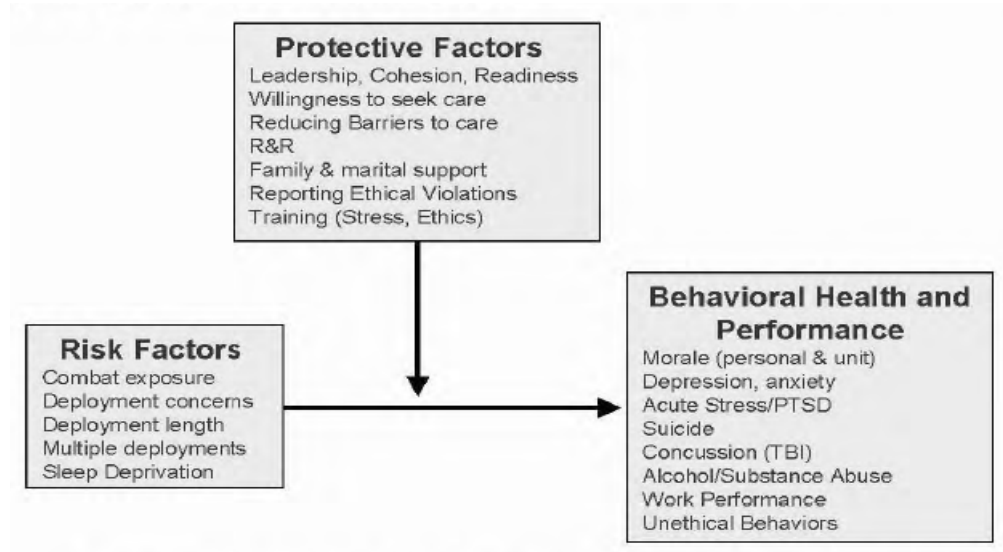# Appendix 3: Soldier Combat and Well Being Models
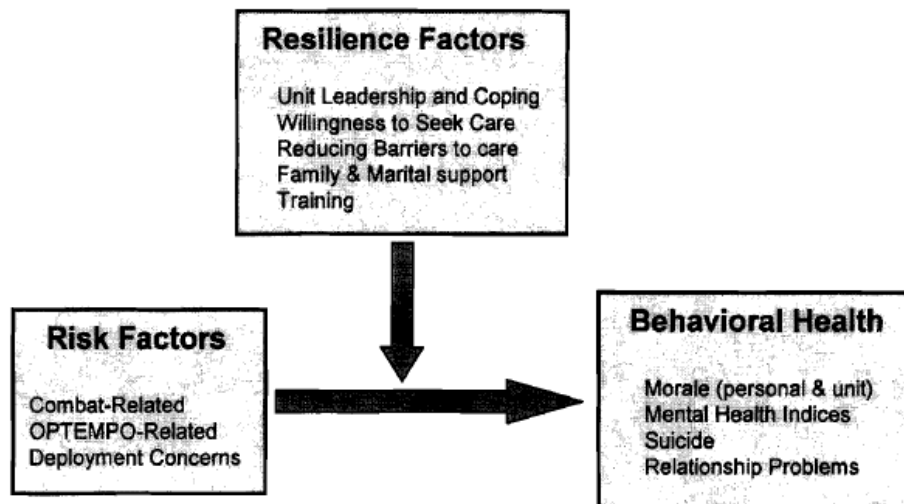


**Figure 12: Soldier Combat & Well Being Model (MHAT V)**[118]



**Figure 13: Soldier Combat and Well Being Model (MHAT VI)**[119]

---

[118] Office of the Surgeon Multi-National Force-Iraq, Mental Health Advisory Team (MHAT) V Report: Operation Iraqi Freedom 06-08, 14 February 2008, http://www.behavioralhealth.army.mil/research/index.html (accessed 16 Aug 2011), p. 20. Copyright information on file with the Combined Arms Research Library at Fort Leavenworth, KS as CGSC Copyright Registration #11-945 C/E.

[119] Ibid, p. 12. Copyright information on file with the Combined Arms Research Library at Fort Leavenworth, KS as CGSC Copyright Registration #11-945 C/E.

# Appendix 4: Elements of the Ethical Battlespace[120]



**Figure 14: Ethical Battlespace**

- Professional ethics and ethos involves the greater attributes involved with being a professional and member of a profession.

- Unit leadership, culture, and norms are the influences which the command climate has on individual character. Unit leadership provides an example which the members use as acceptable and create the atmosphere of how the unit will operate.

---

[120] Kuiper, Lesson Plan for Lesson CAPE-APET-LP03: Enhancing Moral Character Development, Slide 16. (presentation of the diagram) Miller and Gadoury, "Army Profession and Ethic Training Course". (presentation of the detailed descriptions) Copyright information on file with the Combined Arms Research Library at Fort Leavenworth, KS as CGSC Copyright Registration #11-944 C/E.

- Operating environment includes the influences from the area in which the unit is found. For example, if the unit is stationed in a morally corrupt environment those influences may degrade and affect the actions of the unit as a whole as well as the individuals within the unit.

- Physical and psychological state is essential in the development of an individual's character in decision making and the ability to execute the decision once made. Mental strength is an essential component to will.

- Personal virtues, ethics, and morals are generally accepted as the whole of an individual's character.

- Human spirit refers to an individual's acceptance of their relationship with the other members of the human race and their beliefs in the field of religion.

- Laws, regulations, and rules of engagement provide an established set of conditions which embody the spirit of the group's ethic and beliefs towards a variety of topics.

- Army culture and values include a variety of artifacts developed for the group as a whole, in the example of the Army values, and artifacts developed for subgroups, such as the Officer's Creed.

# Appendix 5: Events in Ethical Failure

**ABU GHRAIB**[121]

During 2003 numerous incidents of detainee abuse occurred within the Abu Ghraib Detention Facility. The US Army initiated investigations into the abuse in January of 2004 and informed new agencies but little interest developed until April. In April, 2004 American news agencies released a story with accompanying pictures identifying egregious treatment of prisoners at the Abu Ghraib Detention Facility by US personnel. MG Fay's investigation identified 44 instances of abuse which fall into the category of ethical failures and Fifty four personnel were found to have either responsibility for or complicity in the events that occurred at Abu Ghraib Detention Facility. Leaders at various positions were relieved up to and including Brigadier General Janis Karpinski who directed detention operations in Iraq. Eleven personnel were officially charged and received punishment for their connection to the actions at Abu Ghraib.

**Mahmudiyah**[122]

On 12 March 2006, in Al-Mahmudiyah, Iraq, a group of soldiers from the 502d Infantry Regiment, 101st Airborne, was operating a nearby check point gang raped, murdered, and set on fire a fourteen year old girl. Four soldiers entered the girl's home murdering the girl's entire family while one soldier stayed outside to keep watch. Three of the four soldiers who entered the homes were convicted receiving sentences of between 90 and 110 years. The fourth soldier is awaiting federal court. The lookout received 27 months. The four soldiers already sentenced were dishonorably discharged from the service.

---

[121] Major General George R. Fay, "AR 15-6 Investigation of the Abu Ghraib Detention Facility and 205th MI Brigade." http://www.c-span.org/pdf/armyabughraib.pdf (accessed 25 Aug 2011).

[122] The What Happened Section of the Case Study. Center for the Army Profession and Ethic. Mahmudiyah Case Study.

# BIBLIOGRAPHY

Bandura, Albert. "Moral Disengagement in the Perpetration of Inhumanities." *Personality & Psychology Review*, vol. 3, Issue 3, 2009. Lawrence Erlbaum Associates.

Belasco, Amy. Troop Levels in the Afghan and Iraq Wars, FY2001-FY2012: Cost and Other Potential Issues. Washington, D.C.: Congressional Research Service, 2 Jul 2009.

Bradley, J. Peter. "Why People Make the Wrong Choices – The Psychology of Ethical Failure." In *The Moral Dimension of Symmetric Warfare: Counter-terrorism, Democratic Values, and Military Ethics*, edited by Th. A. van Baarda and D. E. M. Verweij. Leiden, Netherlands: Martinus Nijhoff Publishers, 2009.

Case, Major Chris, Major Bob Underwood, and Colonel Sean T. Hannah. "*Owning Our Army Ethic*." *Military Review: Special Edition*. Fort Leavenworth, Kansas: Combined Arms Center. Sep 2010.

Casey, General George W. "Advancing the Army Professional Military Ethic." Joint Forces Quarterly, Issue 54, 3rd Quarter, 2009. Saint Louis, Missouri: National Defense University Press, July 2009.

Center for the Army Profession and Ethic. "Army: Profession of Arms." Blackwell, OK: Schatz Publishing Group, October 2010.

Center for the Army Profession and Ethic. Mahmudiya Case Study.

Center for the Army Profession and Ethic. Center for the Army Profession and Ethic. restricted to Master Army Profession and Ethic Trainers. https://www.us.army.mil/suite/designer/611545. (Accessed 14 Aug 2011).

Challans, Timothy L. *Awakening Warrior: Revolution in the Ethics of Warfare*. Albany, New York: State University of New York Press, 2007.

Christopher, Paul. *The Ethics of War & Peace: An Introduction to Legal and Moral Issues*, 3rd ed. Upper Saddle River, New Jersey: Pearson Prentice Hall, 2004.

Ciulla, Joanne B., ed. *Ethics, the Heart of Leadership*, 2nd ed. Westport, Connecticut: Praeger Publishers, 2004.

Cook, Martin L. *The Moral Warrior: Ethics and Service in the U.S. Military*. Albany, New York: The State University of New York Press, 2004.

Dower, Nigel. *The Ethics of War and Peace*. Malden, Massachusetts: Polity Press, 2009.

Fay, George R., MG. "AR 15-6 Investigation of the Abu Ghraib Detention Facility and 205th MI Brigade." http://www.c-span.org/pdf/armyabughraib.pdf (accessed 25 Aug 2011).

Gladwell, Malcom. *blink: The Power of Thinking Without Thinking*. New York, New York: Back Bay Books, 2005.

Grigsby, COL Wayne. FM 3-0 developmental update brief to SAMS students. 18 April 2011.

Grooms, B. E., Rear Admiral. Chairman of the Joint Chiefs of Staff Instruction 1800.01D. 15 July 2009.

Hannah, Sean T. COL  and Dr. John Schaubroeck. *ACPME Technical Report 2010-01 MNF-I Excellence in Character and Ethical Leadership (EXCEL) Study*. West Point, New York: Army Center of Excellence for the Professional Military Ethic, 2009.

Harrison, Jonathan. "Kant's Examples of the First Formulation of the Categorical Imperative" *The Philosophical Quarterly, Vol. 7, No. 26* (Jan., 1957), pp. 50-62

Headquarters, Department of the Army. Field Manual (FM) 3-0, C1, *Operations*. Washington, DC: Government Printing Office, 2011.

Headquarters, Department of Defense. *Joint Publication 1-02: Department of Defense Dictionary of Military and Associated Terms*. Washington, DC: Government Printing Office, 8 Nov 2010.

Hoge, C. W., Terhakopian A,, Castro, C.A., Messer, S.C., & Engel, C.C. (2007). "Association of posttraumatic stress disorder with somatic symptoms, health care visits, and absenteeism among lraq War veterans", Jan 2007, http://ajp.psychiatryonline.org/cgi/content/full/164/1/150 (accessed 16 Aug 2011).

Imiola Lieutenant Colonel Brian and Major Danny Cazier. "On the Road to Articulating our Professional Ethic." Military Review: Special Edition. Fort Leavenworth, Kansas: Combined Arms Center, Sep 2010.

Jones, Anthony R., LTG. "AR 15-6 Investigation of the Abu Ghraib Prison and 205th Military Intelligence Brigade." http://www.c-span.org/pdf/armyabughraib.pdf (accessed 25 Aug 2011).

Jones, Thomas M. "Ethical Decision Making by Individuals in Organizations: An Issue-Contingent Model." *The Academy of Management Review*. (Apr 1991): 366 – 395.

Krause, Michael D. and R. Cody Phillips, ed. *Historical Perspectives of the Operational Art*.

Kuiper, Bill. " Lesson Plan for Lesson CAPE-APET-LP02: Applying Ethical Processing." West Point, New York: U.S. Army Profession and Ethic Trainer Workshop, 17 Sep 2010.

Kuiper, Bill. " Lesson Plan for Lesson CAPE-APET-LP03: enhancing Moral Character Development." West Point, New York: U.S. Army Profession and Ethic Trainer Workshop, 20 Sep 2010.

Lebouef, Joseph N., "Master Army Profession and Ethic Training Course" (lecture, Thayer Building, United States Military Academy, West Point, NY, July 18 - 22, 2011).

Lee, Gus. "Master Army Profession and Ethic Training Course". lecture, West Point Officer's Club, United States Military Academy, West Point, NY, July 18 - 22, 2011.

Ludwig, Dean C. and Clinton O. Longenecker. "The Bathsheba Syndrome: The Ethical Failure of Successful Leaders." *Journal of Business Ethics 12, No. 4*, (1993): 265 – 273.

McLamb, Lieutenant Colonel (Promotable) Joseph. "Ethics." Lecture, Eisenhower Hall, Fort Leavenworth, Kansas, 25 April 2011.

Military Law. "The Lieber Code of 1863." United States Air Force Air University, http://www.au.af.mil/au/awc/awcgate/law/liebercode.htm#section1 (accessed 26 April 2011).

Miller, Chris and Jamie Gadoury, "Army Profession and Ethic Training Course". lecture, Thayer Building, United States Military Academy, West Point, NY, July 15, 2011.

Mizzoni, John. *Ethics: The Basics*. Malden: Ma, Wiley-Blackwell, 2010.

Moten, Matthew. "*The Army Officers' Professional Ethic – Past, Present, and Future.*" Carlisle, PA: Strategic Studies Institute, U.S. Army War College, February 2010.

Office of the Surgeon Multi-National Force-Iraq. Mental Health Advisory Team (MHAT) V Report: Operation Iraqi Freedom 06-08, 14 February 2008, http://www.behavioralhealth.army.mil/research/index.html (accessed 16 Aug 2011).

Office of the Surgeon Multi-National Force-Iraq. Mental Health Advisory Team (MHAT) VI Report: Operation Iraqi Freedom 07-09, 08 May 2009, http://www.behavioralhealth.army.mil/research/index.html (accessed 16 Aug 2011).

Olsthoorn, Peter. Military Ethics and Virtues: An interdisciplinary approach for the 21st Century. New York, New York: Routledge, 2011.

Patterson, Lieutenant Colonel Mark S. and Lieutenant Colonel Janet E. Phipps. "*Ethics – Redirecting the Army's Moral Compass.*" Senior Service College Fellowship Research Paper, U.S. Army War College, 2002.

Porter, Patrick. *Military Orientalism: Eastern War through Western Eyes*. New York, New York: Columbia University Press, 2009.

Profession of Arms Campaign, "Profession of Arms Campaign Glossary," Center for the Army Profession and Ethic. http://cape.army.mil/ProfessionOfArmsGlossary.html.  (accessed 28 April 2011).

Rest, James R. "Background: Theory and Research." In *Moral Development in the Professions: Psychology and Applied Ethics*, edited by James R. Rest and Darcia Narvaez. Hillsdale, New Jersey: Lawrence Erlbaum Associates, Publishers, 1994.

Rhodes, Bill. *An Introduction to Military Ethics: A Reference Handbook*. Santa Barbara, California: ABC CLIO, 2009.

Schaller, Walter E. "Kant's Architectonic of Duties." *Philosophy and Phenomenological Research, Vol. 48, No. 2* (Dec., 1987), pp. 299-314.

Snider, Don M., Paul Oh, and Kevin Toner. "*The Army's Professional Military Ethic in an Era of Persistent Conflict.*" Carlisle, PA: Strategic Studies Institute, U.S. Army War College, October 2009.

Snider, Don M. and Lloyd J. Matthews, ed. *The Future of the Army Profession*, 2nd ed. Boston, Massachusetts: McGraw Custom Publishing, 2005.

Turabian, Kate L. *A Manual for Writers of Research Papers, Theses, and Dissertations*. 7th ed. Chicago: University of Chicago Press, 2007.

Walzner, Michael . *Arguing About War*. New Haven, Connecticut: Yale University Press, 2004.

Williams, Brian Glyn. "Afghanistan's Heart of Darkness: Fighting the Taliban in Kunar Province." CTC Sentinel 1, no. 12 (Nov 2008) 11 – 12.

Zimbardo, Phillip G. *The Lucifer Effect: Understanding How Good People Turn Evil*. New York, New York: Random House, 2007.